

ORDINANCE NO. 883

AN ORDINANCE OF THE CITY OF CALLAWAY, FLORIDA, AMENDING SECTIONS 15.715 OF THE CITY'S LAND DEVELOPMENT CODE TO UPDATE THE CITY'S FLOOD MANAGEMENT REGULATIONS; PROVIDING FOR ADOPTION OF THE JUNE 2, 2009 FLOOD INSURANCE RATE MAP; PROVIDING AND AMENDING DEFINITIONS RELATED TO FLOODPLAIN MANAGEMENT; AMENDING SPECIFIC STANDARDS RELATED TO CERTAIN RESIDENTIAL AND NONRESIDENTIAL CONSTRUCTION, ELEVATED BUILDINGS, MANUFACTURED HOMES, FLOODWAYS AND COASTAL HIGH HAZARD AREAS; AMENDING STANDARDS IN AREAS OF SHALLOW FLOODING; AMENDING SECTION 15-38 OF THE CITY'S CODE OF ORDINANCES TO REQUIRE THAT BASE FLOOD INFORMATION BE SUBMITTED WITH PRELIMINARY PLATS; REPEALING CHAPTER 8 OF THE CITY'S CODE OF ORDINANCES RELATING TO FLOODPLAIN MANAGEMENT; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

BE IT ENACTED by the people of the City of Callaway, Florida that:

Section 1. That from and after the effective date of this Ordinance, Chapter 8 of the Code of Ordinances, City of Callaway, Florida, is hereby repealed.

Section 2. That from and after the effective date of this Ordinance, Section 15.715 of the Land Development Regulations of the City of Callaway, Florida, is hereby amended to read as follows: (deleted text ~~stricken~~, new text underlined):

SECTION 15.715	FLOOD PLAIN PROTECTION <small>(Amended by Ordinance 437-February-1993)</small>
SECTION 15.715.1	PURPOSE
SECTION 15.715.2	OBJECTIVES
SECTION 15.715.3	DEFINITIONS
SECTION 15.715.4	GENERAL PROVISIONS
SECTION 15.715.5	ADMINISTRATION
SECTION 15.715.6	PROVISIONS FOR FLOOD HAZARD REDUCTION
SECTION 15.715	FLOOD PLAIN PROTECTION
SECTION 15.715.1	PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction **and throughout their intended life span;**
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION 15.715.2 OBJECTIVES

The objectives of this ordinance are:

- (1) to protect human life and health, **and to eliminate or minimize property damage;**
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, **roadways, street and bridges and culverts** located in floodplains;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) to ensure that potential home buyers are notified that property is in a flood **hazard** area.

SECTION 15.715.3 DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory structure" *Accessory structure (appurtenant structure)* means a structure which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any

walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the Director of Public Works or his designee's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation" means the water surface elevation associated with the base flood.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Coastal high hazard area" means that area defined in the Coastal Management Element of the City of Callaway Comprehensive Growth Management Plan.

"Datum" means a reference surface used to ensure that all elevation records are properly related.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which many impede or alter the flow capacity of the a floodplain.

"Existing Construction" means any structure for which the "start of construction" commenced before **November 24, 1987, or structures for which the "start of construction" commenced after November 24, 1987, which were built in compliance with the then existing Callaway flood damage prevention plan** (the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or (specific date).

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the City of Callaway on November 24, 1987.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means the official map of the community in which FEMA has delineated the areas of special flood hazard and regulatory floodways.

"Flood Hazard Boundary Map (FHBM)" means an official map of the City of Callaway issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of the City of Callaway on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodplain" means any land area susceptible to being inundated by water from any source.

"Floodplain Administrator" means the individual appointed to administer and enforce the City's floodplain management regulations.

"Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances and other applications of police power which control development in flood-prone areas.

"Floodproofing" means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Free of obstruction" means any type of lower area enclosure or other construction element that will obstruct the flow of velocity water and wave action beneath the lowest horizontal structural member of the lowest floor of an elevated building during a base flood event.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hardship" (as related to variances of this chapter) means the exceptional hardship that would result from a failure to grant the requested variance. The City of Callaway requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or determined by the Florida Department of State as meeting the requirements for individual listing on either registry;
2. Certified or preliminarily determined by the Department of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Department's Secretary to qualify as a registered historic district; or
3. Individually listed on the state inventory of historic places.

"Increased cost of compliance (ICC)" means the cost to repair a substantially damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. ICC insurance coverage is provided in a standard (NFIP) flood insurance policy.

"Lowest adjacent grade" means the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the nonelevation design standards of this chapter.

"Manufactured home" means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed values.

"Mean Sea Level" means the average height of sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"National Geodetic Vertical Datum (NGVD)", as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New construction" means any structure for which the "start of construction" commenced after November 24, 1987, but does not include any structures for which the "start of construction" was after November 24, 1987, and before September 18, 2002, which were built in compliance with the then existing Callaway flood damage prevention plan. The term also includes any subsequent improvements to such structure.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 24, 1987.

"North American Vertical Datum (NAVD) of 1988" means a vertical control used as a reference for establishing varying elevations within the floodplain

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to share or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"Public safety and nuisance" means anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay stream, canal, or basin.

"Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

"Recreational vehicle" means a vehicle which is:

1. built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (generally one foot).

"Repetitive loss" means flood-related damages sustained by a structure on two separate occasions during a ten-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

"Special flood hazard area" (SFHA) (see "Area of special flood hazard") means an area having special flood hazard and shown on a FHBM or FIRM as Zone A, AO, A1--A30, AE, A99, AH, V1--V30 or VE.

"Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvements" means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during the life of a building, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by a Code Enforcement Officer and which are solely necessary to assure safe living conditions.

"Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

"Watercourse" means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

SECTION 15.715.4 GENERAL PROVISIONS.

a.1. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Callaway.

b.2. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the FIS for the City of Callaway, dated June 2, 2009, January 2, 1986 with accompanying maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. The FIS and FIRM are on file at the City of Callaway Planning Department.

c.3. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provision of this Section ordinance prior to the commencement of any development activities.

d.4. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Section ordinance and other applicable regulations.

e.5. ABROGATION AND GREATER RESTRICTIONS.

This Section ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, growth planning ordinances or land development regulations. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

f.6. INTERPRETATION.

In the interpretation and application of this **Section ordinance** all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body, and;
- (c) deemed neither to limit nor repeal any other powers granted under state

statutes.

g.7. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this **Section ordinance** is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This **Section ordinance** does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This **Section ordinance** shall not create liability on the part of the City of Callaway or by any officer or employee thereof for any flood damages that result from reliance on this **Section ordinance** or any administrative decision lawfully made thereunder.

h.8. PENALTIES FOR VIOLATION.

~~Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this **Section ordinance** or fails to comply with any of its requirements shall, upon **adjudication conviction** thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Callaway from taking such other lawful actions as is necessary to prevent or remedy any violation.~~

SECTION 15.715.5 ADMINISTRATION.

1. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR DIRECTOR OF PUBLIC WORKS.

The **City Commission of the City of Callaway hereby appoints the** Director of **Planning Public Works** or his designee ~~is hereby appointed~~ to administer and implement the **City's floodplain management regulations** ~~provisions of this ordinance.~~

2. PERMIT PROCEDURES.

Application for a Development Permit shall be made to the **Planning Director of Public Works** on forms furnished by him prior to **the commencement of** any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (a) Application Stage.
 - (i) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
 - (ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed;

- (iii) Certificate from an **registered professional** engineer or architect that the non-residential floodproofed building will meet the floodproofing criteria in Section **15.715.6(2)(b) and 15.715.6 (5)(b)**~~H(2)(b)~~;
- (iv) Description of the extent to which any watercourse will be altered or relocated as result of proposed development, ~~and~~;

(b) Construction Stage.

~~Provide a floor elevation or flood proofing certification after the lowest floor is completed, or instances where the building is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the _____ lowest _____ floor.~~
 Upon placement of the lowest floor, ~~or~~ Floodproofing by whatever construction means, or upon placement of the **bottom of the lowest** horizontal structural members ~~of the lowest floor~~, whichever is applicable, it shall be the duty of the permit holder to submit to the **Planning** Director of ~~Public Works~~ or his designee a certification of the **NGVD or NAVD** elevation of the lowest floor, floodproofed elevation, or the ~~elevation~~ **bottom** of the lowest portion of the horizontal structural members ~~of the lowest floor~~, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The **Planning** Director of ~~Public Works~~ or his designee shall review the floor **and floodproofing** elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

3. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR PUBLIC WORKS DIRECTOR.

Duties of the **Planning** Director of ~~Public Works~~ or his designee shall include, but not be limited to:

- (a) **Review permits to assure sites are reasonably safe from flooding;**
- ~~(b)~~(a) Review all development permits to assure that the permit requirements of this **Section** ordinance have been satisfied;
- ~~(c)~~(b) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- ~~(d)~~(e) Notify adjacent communities, **the Florida Department of Community Affairs, Division of Emergency Management, the North Florida Water Management District, the Federal Emergency Management Agency** and the **Florida** Department of Environmental Regulation prior to any alteration or relocation of a watercourse, ~~and submit evidence of such notification to the Federal Emergency Management Agency.~~

- ~~(e)~~(d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is **maintained** not diminished.
- ~~(f)~~(e) Verify and record the actual elevation₁ in relation to mean sea level₁ of the lowest floor **(A-zones) or bottom of the lowest horizontal structural member of the lowest floor (V-zones)** including basement of all new or substantially improved buildings₁ in accordance with Section **15.715.5(2)(b)G(2)(b)**.
- ~~(g)~~(f) Verify and record the actual elevation₁ in relation to mean sea level₁ to which the new or substantially improved buildings have been flood-proofed₁ in accordance with Section **15.715.5(2)(b)G(2)(b)**.
- ~~(h)~~(g) **Review certified plans and specifications for compliance with the floodplain management regulations** when flood-proofing is utilized for a particular building, the Public Works Director shall obtain certification of flood-proofing from an engineer or architect in accordance with Section **H(2)(b)**.
- ~~(i)~~(h) **Interpret the location of boundaries of the areas of special flood hazard** where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be conflict between a mapped boundary and actual field conditions) the Director of Public Works or his designee shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- ~~(h)~~(i) When base flood elevation data or floodway data have not been provided in accordance with Section **F(2)**, then the Director of Public Works or his designee shall **Obtain**, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source **when base flood elevation data or floodway data have not been provided in accordance with Section 715.4(b)**.
- ~~(j)~~ All records pertaining to the provisions of this ordinance shall be maintained in the Public Works office and shall be open for public inspection. **Obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements.**
- ~~(i)~~ **Coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA.**

4. VARIANCE PROCEDURES.

- (a) The Planning Board as established by the Callaway City Commission shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (b) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of Public Works in the enforcement or administration of this **Section** ordinance.
- (c) Any person aggrieved by the decision of the Planning Board or any taxpayer living in the City may appeal such decision to the Circuit Court.
- (d) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the

structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

- (e) In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Section ordinance, and:
- (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger of life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - (vi) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - (xi) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (f) Upon consideration of the factors listed above, and the purposes of this Section ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section ordinance.
- (g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (h) Conditions for Variances:
- (i) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;

- (ii) Variances shall only be issued upon (A) a showing of good and sufficient cause, (B) a determination that failure to grant the variance would result in exceptional hardship, and; (C) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (iii) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (iv) The Public Works Director or his designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

SECTION 15.715.6 PROVISIONS FOR FLOOD HAZARD REDUCTION.

1. GENERAL STANDARDS.

In all areas of special flood hazard, **all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet** the following provisions ~~are required~~:

- (a) New construction and substantial improvements shall be **designed or modified and adequately** anchored to prevent flotation, collapse or lateral movement of the structure **resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.**
- (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.;
- (d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.;
- (e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, **including duct work**, shall be designed ~~and/or~~ located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.;
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.;

- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, ~~and~~;
- (i) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Section ordinance shall meet the requirements of "new construction" as contained in this Section ordinance.
- (j) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this Section ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
- (k) **All applicable additional Federal, state and local permits shall be obtained and submitted to the Planning Director. Copies of such permits shall be maintained on file with the development permit.**

2. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Section F(2) or Section G(3)(i), the following provisions are required:

- (a) Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated **at least no lower than** one foot above the level of the base flood elevation ~~or seven feet above mean sea level, whichever is greater.~~ Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the **automatic equalization of flood hydrostatic forces on both sides of the exterior walls** ~~unimpeded movements of flood waters shall be provided in accordance with standards of paragraph (c) below.~~
- (b) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated **at least no lower than** one foot above the level of the base flood elevation ~~or seven feet above mean sea level, whichever is greater.~~ **Non-residential buildings** located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building **components** below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and **the effects** of buoyancy. A **professional** engineer or architect shall certify that the standards of this subsection are satisfied **using the FEMA Floodproofing Certificate**. Such certification shall be provided to the **Planning Director** ~~official~~ as set forth in Section ~~715.5(3)(g), 3(G)(3).~~
- (c) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the **lowest floor** ~~base flood~~ elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 - (i) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (A) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

- (B) The bottom of all openings shall be no higher than one foot above foundation adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and,
 - (C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (ii) Fully enclosed areas below the lowest floor shall solely be used for parking of vehicles, storage and building access. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
 - (iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (d) Standards for Manufactured Homes and Recreational Vehicles.
 - (i) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, ~~including elevation and anchoring,~~ be elevated on a permanent foundation to the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - (ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - (A) The lowest floor of the manufactured home is elevated at least ~~no lower than~~ one foot above the level of the base flood elevation, or
 - (B) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade.
 - (C) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - (iii) ~~(D)~~ In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards outlined in paragraphs (A) and (C) above.
 - (iv)~~(iii)~~ All recreational vehicles placed on sites must either:
 - (A) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (B) Be on the site for fewer than 180 consecutive days, or
- (C) ~~The recreational vehicle must m~~Meet all the requirements for new construction, including anchoring and elevation requirements outlined in paragraphs Section H(2)(d)(i) or paragraphs (ii)(A) and (C) above.

~~A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.~~

- (e) Floodways. Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:
 - (i) Prohibit encroachments, including fill, new construction, substantial improvements and other developments within the regulatory floodway unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
 - (ii) If the paragraph (i) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.
 - (iii) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Section 715.6(1)(b) ~~H(1)(b)~~ and the elevation standards of Section 715.6(2)(a) ~~H(2)(a)~~ and the encroachment standards of ~~sub~~Section H(2)(e)(i) ~~above~~ are met.
 - (v) Development activities including new construction and substantial improvements that increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies, with the City's consent, for a conditional FIRM revision, and receives the approval of FEMA.
 - (vi) When fill is proposed within the regulatory floodway, the development permit shall not be issued unless certification is provided by a registered professional engineer demonstrating that the proposed fill will not increase the water surface elevation of the base flood.

- (f) Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.

3. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Section 715.4(b) F(2), where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

- (a) When base flood elevation data or floodway data have not been provided in accordance with 715.4(b), then the Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of article III.
- (b) Until regulatory floodway is designated, ~~no encroachments, new construction, substantial improvements, or other development~~ including fill material ~~or structures shall be located~~ shall be permitted within areas of special flood hazard, unless certification by an engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (c)(b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in Section 715.6(2)(a)G(3)(i) above.
- (d) Development activities that increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies, with the City's consent, for a conditional FIRM revision, and receives the approval of FEMA.
- (e) If base flood elevations and floodway data are not available from outside sources, then the following provisions may be used:
i. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than two feet above the highest adjacent grade at the building site.
ii. No encroachments, including fill material or structures, shall be located within a distance of 30 feet from any stream.

4. STANDARDS FOR SUBDIVISION PROPOSALS.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;

- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

5. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Located within the areas of special flood hazard established above, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated **above the highest adjacent grade at least as high as** to the depth number specified on the Flood Insurance Rate Map, ~~in feet, above the highest adjacent grade.~~ If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
- (b) All new construction and substantial improvements of non-residential buildings shall:
 - (i) have the lowest floor, including basement, elevated **above the highest adjacent grade at least as high as** to the depth number specified on the Flood Insurance Rate Map, ~~in feet, above the highest adjacent grade.~~ If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade, or;
 - (ii) together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (c) **Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.**

6. STANDARDS FOR COASTAL HIGH HAZARD AREAS

Located within areas of special flood hazard areas established in **715.4(b)** section 8-8 are coastal high hazard areas, designated as Zones V1—V30, VE and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this chapter, the following additional provisions shall also apply:

(a) All new construction and substantial improvements in Zones V1—V30, VE and V (if base flood elevation is available) shall be elevated on pilings and columns so that:

i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated at least one foot above the base flood elevation level; and

ii. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(b) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (a)i. and ii., above.

1 Obtain a certification of the elevation, in relation to mean sea level, of the bottom of the lowest horizontal structural member of the lowest floor, as built, excluding pilings and columns, of all new and substantially improved structures.

(d) All new construction shall be located landward of the reach of mean high tide.

(e) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

i. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

ii. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.

(f) If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access or storage. Such space shall not be used for human habitation.

(g) Prohibit the use of fill for structural support of buildings.

~~(h) Prohibit manmade alteration of sand dunes that would increase potential flood damage.~~

(h)(i) All manufactured homes to be placed or substantially improved within Zones V1--V30, V, and VE on the community's FIRM on sites: i.) Outside of a manufactured home park or subdivision, ii.) In a new manufactured home park or subdivision, iii.) In an expansion to an existing manufactured home park or subdivision, or iv.) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood must meet the standards of subsections **(a) through (g)** ~~(4) through (8)~~. Manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision with Zones V1--V30, V, and VE on the FIRM meet the requirements of section 8-32(4)a. through b.

(i)(j) Recreational vehicles placed on sites within Zones V1--V30, VE, or V on the community's FIRM either:

i. Be on the site for fewer than 180 consecutive days;

ii. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

iii. Meet the requirements of section 715.5(2) 8-22, and sections 715.6(2) 8-32 and 715.6(6) 8-36.

7. STANDARDS FOR CRITICAL FACILITIES.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

Section 2. That Section 15-38, Chapter 15 of the Code of Ordinances, City of Callaway, Florida, is hereby amended to read as follows: (deleted text ~~stricken~~, new text underlined):

Sec. 15-38. Specifications.

(a) *Scale.* The preliminary plat shall be clearly and legibly drawn at a scale not smaller than 100 feet to one inch.

(b) *Sheet size.* Sheet size shall be 24 inches by 36 inches. If the complete plat cannot be shown on a sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of a reduced scale.

(c) *Ground elevations.* The preliminary plat shall show ground elevations, based on the datum plane of the U.S. Coast and Geodetic Survey, and in conformance with the following:

(1) For land that slopes less than approximately two percent, spot elevations shall be shown at all breaks in grade, along all drainage channels or swales and at selected points not more than 100 feet apart in all directions.

(2) For land that slopes more than approximately two percent, contours shall be shown with an interval of not more than five feet if the ground slope is regular or with an interval of not more than two feet if the ground slope is irregular.

(3) A tie to one or more established marks shall be shown.

(4) An exception to the requirements of subsections (1) through (3) for showing ground elevations is a preliminary plat of a subdivision with the size of each lot being one acre or greater. A preliminary plat of any such subdivisions shall show only the location of streams, both perennial and intermittent, direction of flow of these streams, any areas subject to flooding and selected spot elevations.

(d) *Required information.* The preliminary plat shall contain the following information:

(1) The name and address of the owner of record and the subdivider and registration number of the surveyor or engineer;

(2) The proposed name of the subdivision and its acreage;

(3) North point and graphic scale and date;

(4) A vicinity map, showing the location and acreage of the subdivision;

(5) The exact boundary lines of the tract by bearing and distance;

(6) The names of the owners of record of adjoining land, with their approximate acreages;

(7) Any existing street, utilities and easements on and adjacent to the tract, including the size and width of each;

(8) A proposed layout, including streets, alleys and easements, with both dimensions and proposed street names, lot lines with approximate dimensions, land to be reserved or dedicated for public uses and any land to be used for purposes other than single family dwellings;

- (9) Block letters and lot numbers;
 - (10) An indication of zoning district boundaries (Any such boundaries if they exist, to be shown and dimensioned on the plan);
 - (11) Provisions for water supply, sewerage and drainage, as required by the county health department;
 - (12) Minimum building front yard setback lines;
 - (13) Typical street cross-sections and centerline profiles;
 - (14) The location of streams, lakes and swamps and land subject to flooding as determined from past history of flooding, an estimate of the upland acres contributing runoff to the proposed subdivision, the points of entry of upland flow onto the proposed land for subdivision and a drainage plan showing proposed improvements;
 - (15) The location of land dedicated for public use if applicable (See section 15-107(b));
 - (16) The soil conditions as related to the intended use of the subdivision in the area to be subdivided at a scale equal to that of the preliminary plat;
 - (17) An inscription stating "NOT FOR FINAL RECORDING;" and
 - (18) Any other information that may be considered necessary by the planning board for full and proper consideration of the proposed subdivision.
- (e) *Flood hazard reports.* If the proposed subdivision is in an area subject to flooding (see section 15-108), the planning board shall require the subdivider to submit three valley cross sections including the channel of the stream at points specified, topographic information for areas adjoining sides of the channel, cross sections for land to be occupied by the proposed development, highwater information and other pertinent information. The planning board shall transmit one copy of this information described to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters. The planning board with expert assistance, shall:
- (1) Estimate the discharge of the regulatory flood;
 - (2) Determine the specific flooding threat at the site of the proposed subdivision and determine whether the subdivision is located in a floodway or flood fringe area by:
 - a. Calculation of water surface elevations and flood protection elevations based upon a hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood. Flood protection elevations shall be one foot above the water surface elevations of the regulatory flood; and
 - b. Computation of the floodway required to convey this flood without increasing flood heights to an extent which would cause substantial upstream or downstream damage to existing or reasonably anticipated future development. Computations of increases in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on the floodplain of any river or stream not to exceed one foot in any one reach or for the cumulative effect of several reaches.
- (f) *Approval from the health department.* A signed certificate of approval of the county health department should be placed on the preliminary plat.
- (g) *Form of the certificate of conditional approval.* The form of the certificate of conditional approval of the preliminary plat by the planning board shall be inscribed on the plat.
- (h) Base flood elevation data shall be submitted with the plat for any plat proposing development of fifty or more lots or five acres of land.**

Section 3. All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinances and/or Resolutions in conflict herewith are hereby repealed to the extent of the conflict.

Section 4. If any section, subsection, sentence, clause, phrase of this Ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases under application shall not be affected thereby.

Section 5. This Ordinance shall become effective immediately upon its passage.

Passed, approved and adopted as of this 26th day of May, 2009.


Kenneth L. Meer, Mayor

ATTEST:


Genette R. Bernal, City Clerk