

EXHIBIT A
ORDINANCE NO. 03-2014

Note: The definitions provided in this exhibit pertain only to the revisions to the floodplain regulations, as cited in this ordinance.

Chapter 70 GENERAL PROVISIONS

Sec. 70-30. Definitions

Alteration of a watercourse: a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal: a request for a City Commission review of the enforcement official's interpretation regarding any provision of this ordinance. Means, for the purposes of floodplain management, a request for a review of the Floodplain Administrator's interpretation of any provision of Chapter 90 or a request for a variance.

~~Area of shallow flooding: a designated AO or AH Zone on the 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. Such flooding is characterized by ponding or sheet flow.~~

~~Area of special flood hazard: the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This term is synonymous with the phrase "special flood hazard area".~~

~~ASCE 24: a standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.~~

Base flood: a flood having a 1-percent chance of being equaled or exceeded in any given year [Also defined in FBCB, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual change flood".

Base flood elevation: the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBCB, Section 1612.2.]

Basement: the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBCB, Section 1612.2.]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBCB, Section 1612.2.]

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum

specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBCB, Section 1612.2.]

Development: any ~~human-initiated~~ man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavating, drilling operations, or ~~storage of materials and equipment~~ any other land disturbing activities, or the dividing of land into two or more parcels. Development shall include but not limited to:

- (1) A reconstruction, or remodeling when said remodeling includes the alteration of exterior lighting, alteration of the size, or structural change in the external appearance of a structure on land.
- (2) A change in the intensity of use of land, such as: an increase in the number of dwelling units in a structure or on land, or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- (3) Alteration of a shore or bank of a river, stream, lake, pond or canal, or other governmentally-defined navigable waterway.
- (4) Commencement of drilling, except to obtain soil samples; mining; or excavation on a parcel of land.
- (5) Demolition or removal of a structure.
- (6) Clearing of land as an adjunct of construction.
- (7) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- (8) Any land altering activity described in F.S. § 380.04.

Encroachment: ~~The advance or infringements of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain~~ the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure: means, for the purposes of floodplain management, any buildings and structures for which the "start of construction" commenced before April 18, 1974. [Also defined in FBCB, Section 1612.2.]

~~**Existing construction:** means, for the purposes of floodplain management, structures for which the start of construction commenced before April 18, 1974. This term may also be referred to as "existing structures".~~

Federal Emergency Management Agency (FEMA): the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from: [Also defined in FBCB, Section 1612.2.]
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.

- ~~3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.~~
- ~~b. The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.~~

Flood damage-resistant materials: any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBCB, Section 1612.2.]

Flood hazard area: the greater of the following two areas: [Also defined in FBCB, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM): ~~An~~The official map of the community on which the Federal Emergency Management Agency, issued by FEMA, which has delineated both ~~the areas of~~ special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBCB, Section 1612.2.]

Flood Insurance Study (FIS): The official ~~hydrology and hydraulics~~ report provided by the Federal Emergency Management Agency~~FEMA~~ that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. ~~[Also defined in FBCB, Section 1612.2.] The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FBFM (where applicable), and other related data and information.~~

Flood lamp: a specific form of lamp designed to direct its output in a specific direction (a beam) but with a diffusing glass envelope: Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Floodlight: reflector-type light fixture which is attached directly to a building and which is unshielded.

Floodplain: Any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain Administrator: The office or position designated and charged with the administration and enforcement of the flood management ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval: An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific

development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

~~**Flood proofing:** 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: the channel of a river or other riverine 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 (1) foot a designated height. [Also defined in FBCB, Section 1612.2.]

Floodway encroachment analysis: An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code: The family of codes adopted by the Florida Building Commission, as may be amended from time to time, including: *Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas; Florida Building Code, Accessibility; Florida Building Code, Energy Conservation.*

~~**Functionally dependent facility use:** A use facility which cannot be used for perform its intended purpose unless it is located or carried out in close proximity to water, including only such as a docking facilities, or port facilities that are necessary for the loading and unloading of cargo or passengers, and ship-building, and ship repair facilities ship repair, or seafood processing facilities. The term does not include long-term storage, or related manufacturing, sales, or service facilities.~~

Highest adjacent grade: The highest maximum natural elevation of the ground surface, prior to construction, next to the proposed walls or foundation of a structure.

Historic structure: Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- c. Individually listed on the Florida inventory of historic places, which has been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By the approved Florida program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior.

Means, for the purposes of floodplain management, any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building, Chapter 11 Historic Buildings.*

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck: As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle,
or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor: The lowest floor of the lowest enclosed area of a building or structure, (including basement), but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBCB, Section 1612.2]. ~~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 applicable non-elevation design standards of this ordinance.~~

Manufactured home: a structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed ~~for use to be used~~ with or without a permanent foundation when attached ~~connected~~ to the required utilities. The term "manufactured home" ~~does not include a "recreational vehicle" or "park trailer"~~ ~~also includes park trailers, travel trailers, recreational vehicles, and similar transportable structures~~

~~placed on a site for 180 consecutive days or longer and intended to be improved property. [Also defined in 15C-1.0101, F.A.C.]~~

Market value: ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in Chapter 90 of the City of Deltona Land Development Code, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel.~~ building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value ~~can~~may be established by ~~an~~a qualified independent ~~certified appraisal appraiser, (other than a limited or curbside appraisal, or one based on income approach),~~ Actual Cash Value (replacement cost depreciated for age and quality of construction ~~of building~~), or ~~adjusted~~-tax-assessmented values adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction: structures for which the "start of construction" commenced on or after the effective date of adoption of chapter 70 of the Code of Ordinances or as amended. The term also includes any subsequent improvements to such structures. Means, for the purposes of administration of Chapter 90 of the City of Deltona Land Development Code and the flood resistant construction requirements of the Florida Building Code, building and/or structures for which the "start of construction" commenced on or after April 18, 1974, and includes any subsequent improvements to such structures.

Park trailer: a transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

Recreational vehicle: means, for the purposes of floodplain management, a vehicle, including a park trailer, which ~~that~~ is: [see in Section 320.01, F.S.]

- ~~a~~1. Built on a single chassis;
- ~~b~~2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- ~~e~~3. Designed to be self-propelled or permanently towable by a light-duty truck; and
- ~~d~~4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area: An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. ~~see "area of special flood hazard"~~ [Also defined in FBCB Section 1612.2.]

Start of construction: ~~means for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), this includes substantial improvement, and 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 date of issuance of a building permit for new construction and substantial improvements to existing structures and/or buildings, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a structure and/or building (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns or similar, ~~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/or~~ 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 or the~~ installation ~~on the property~~ of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure ~~and/or~~ buildings. 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 and/or structure, whether or not that alteration affects the external dimensions of the building. [Also defined in FBCB Section 1612.2.]

Substantial damage: Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBCB Section 1612.2.]

Substantial improvement: Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the ~~current~~ market value of the building or structure before the ~~“start of construction” of the~~ improvement or repair is started. If the building or structure has incurred “substantial damage”, any repairs are considered substantial improvement regardless of the actual repair work performed. ~~This term includes structures that have incurred “substantial damage” regardless of the actual repair work performed.~~ The term does not, however, include either: [Also defined in FBCB, Section 1612.2.]

1. Any project for~~repair or~~ improvement of a ~~structure~~building and/or structure required to correct existing ~~violations of State of Florida or local~~ health, sanitary, or safety code ~~specifications~~violations, which have been identified by the ~~local code enforcement~~building official ~~prior to the application for permit for improvement,~~ and ~~that~~which are the minimum necessary to assure safe living conditions.
2. This term does not include aAny alteration of a historic structure or building, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

~~**Substantially improved existing manufactured home parks or subdivision:** where the repair, reconstruction, rehabilitation or improvements of the streets, utilities and pads equals or exceed 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.~~

Variance: Means, for the purposes of floodplain management, a grant of relief from the requirements of Chapter 90 of the City of Deltona Land Development Code, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by Chapter 90 of the City of Deltona Land Development Code or the *Florida Building Code*.

Watercourse: A ~~lake,~~ river, creek, stream, ~~wash,~~ channel or other topographic feature in, on, through, or over which waters flows at least periodically. ~~Watercourse includes specifically designated areas in which substantial flood damage may occur.~~