

**ATTACHMENT B – AMENDMENTS TO THE INDIAN RIVER COUNTY CODE OF ORDINANCES, TITLE IX, LAND DEVELOPMENT REGULATIONS, CHAPTER 901.03, DEFINITIONS.**

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*Accessory structure* a structure which is customarily associated with, subordinate in size and incidental in use to the principal structure and located on the same site. Examples are tool sheds and garages. For floodplain management purposes, accessory structures are used only for vehicle parking or storage.

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*Agricultural structure*, for floodplain management purposes, a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

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*Appeal* for purposes of County Code Chapter 930 relating to flood protection, means a request for a review of the interpretation by the floodplain administrator ~~community development director~~ of any provision of Chapter 930 floodplain regulations or a request for a variance.

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~~*Area of shallow flooding* means a designated AO or VO Zone on a community flood insurance rate map (FIRM) with base flood depths from one (1) to three (3) 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 (1) percent or greater chance of flooding in any given year.~~

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~~*Breakaway wall or frangible 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.~~

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*Coastal A Zone* the area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped coastal high hazard areas. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 1 ½ feet (457 mm). The inland limit of the Coastal A Zone is (a) the Limit of Moderate Wave Action if delineated on a FIRM, or (b) designated by the authority having jurisdiction. [Also defined in FBC, B].

*Coastal Barrier Resources System* the CBRS is a system of protected coastal areas designated by the Secretary of the U.S. Department of the Interior that includes ocean-front land, the Great Lakes and Other Protected Areas (OPAs). Coastal barriers serve as important buffers between coastal storms and inland areas, often protecting properties on land from serious flood damage. Also, coastal barriers provide a protective habitat for aquatic plants and animals.

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*Coastal high hazard area* a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on flood insurance rate maps (FIRM) as Zone V1-V30, VE, or V. [Also defined in FBC, B Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

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~~*Construction (start of)* any on-site activity including land clearing, earth moving, or the erection of structures. "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of constructing, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the 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 structure.~~

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*Critical facility*, for purposes of County Code Chapter 930 relating to flood protection, a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, evacuation shelters, hospitals, police, fire and other emergency response installations, water and wastewater facilities, government offices, and facilities that manufacture or store hazardous materials and hazardous waste. The term includes facilities that are assigned Flood Design Class 3 and Flood Design Class 4 pursuant to the *Florida Building Code, Building*.

~~*Critical flood zone* an area characterized by the following:~~

- ~~a.—Lands subject to inundation by a ten-year flood;~~
- ~~b.—Wetlands, watercourses and waterbodies;~~
- ~~c.—Floodways; and~~
- ~~d.—Isolated topographic depressions with a history of flooding or a high potential for flooding.~~

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*Crown of road*. The elevation of the highest surface of street or road pavement within the right-of-way abutting the property or the elevation approved by the public works director or designee.

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*Declaration of land restriction (nonconversion agreement)*. A form signed and recorded by the owner in the property deed in the Official Records of the Indian River County Clerk of Courts by the owner, to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, certain enclosures below elevated buildings and to permit inspections by the County.

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~~*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.~~

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~~*Existing manufactured home park or subdivision* for purposes of County Code Chapter 930 relating to flood protection, 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 July 3, 1978.~~

~~*Expansion to an existing manufactured home park or subdivision* for purposes of County Code chapter 930 relating to flood protection, 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).~~

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~~*Flood, regulatory* the one hundred year flood, which is the flood that has a one percent probability of being equalled or exceeded in any given year, as indicated on the official county flood hazard map, the flood insurance rate map (FIRM).~~

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~~*Floor* for purposes of County Code Chapter 930 relating to flood protection, 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.~~

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~~*Functionally dependent water related 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.~~

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~~*Limit of Moderate Wave Action* a line shown on FIRMs to indicate the inland limit of the 1 ½-foot (457 mm) breaking wave height during the base flood. [Also defined in FBC, B].~~

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~~*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, 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 FBC, B].~~

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~~*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 these floodplain regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser; or may reflect actual cash value (replacement cost depreciated for age and quality of construction); or may be established using tax assessment value adjusted to approximate~~

~~market value by a factor provided by the property appraiser. The value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the Actual Cash Value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.~~

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~~Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within a floodplain.~~ For purposes of County Land Development Regulations, the term is synonymous with North American Vertical Datum 1988 (NAVD88).

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~~New manufactured home park or subdivision 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 July 3, 1978.~~

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Operations and maintenance plan (dry floodproofing) A plan required for nonresidential dry floodproofed buildings, prepared in accordance with ASCE 24, reviewed by the County Building Division and the County emergency management department, and recorded by the applicant on the property deed in the Indian River County Official Records of the Clerk of Courts. The plan shall acknowledge the County has the right to inspect floodproofing measures annually.

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*Start of construction* the date of issuance of permits for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (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 ~~of~~ or not that alteration effects the external dimensions of the building. [Also defined in FBC, B].

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~~Structure (floodplain) a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.~~

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*Substantial improvement* any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a ten-year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started and determined no sooner than six (6) months before the work is started. For each building or structure, the ten-year period begins on

the date of the first improvement or repair of that building or structure subsequent to November 6, 2012 ~~the effective date of this ordinance~~. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B].

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

~~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 fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.~~

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~~—Zone of imminent collapse means an area subject to erosion adjacent to the shoreline of an ocean, bay, or lake and within a distance equal to ten (10) feet plus five (5) times the average annual long-term erosion rate for the site, measured from the reference feature.~~