

New Port Richey, Florida - Code of Ordinances

Section III. - Flood Hazard Reduction

8.05.00 - Provisions for flood hazard reduction

8.05.01 - Areas of special flood hazard—Basis for establishing.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study, dated February 17, 1981, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.

8.05.02 - Same—General standards.

In all areas of special flood hazard the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. 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.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration or floodwaters into the systems and discharges from the systems into floodwaters.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this chapter shall meet the requirements of new construction as contained in this chapter.

8.05.03 - Same—Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in section 8.05.01 or section 8.04.02(9) the following provisions are required:

1. *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than eleven (11) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of subsection 3 of this section.
2. *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement,

elevated no lower than eleven (11) feet above the level of the base flood elevation. Structures located in all A zones may be floodproofed in lieu of being elevated provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy have been used. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 08.04.03(2)(b).

3. *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the 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.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (1) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - (2) The bottom of all openings shall be no higher than one (1) foot above grade; and
 - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;
 - c. 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
 - d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
4. *Floodways.* Located within areas of special flood hazard established in section 8.05.01 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and it has erosion potential, the following provisions shall apply:
 - a. Encroachments including fill, new construction, substantial improvements and other developments are prohibited unless certification with supporting 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.
 - b. If subsection 4a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of article III of this chapter.
 - c. The placement of manufactured homes (mobile homes), except in an existing manufactured home (mobile home) park or subdivision is prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided that anchoring standards of section 8.05.02(2), and the elevation standards of subsection 1 of this section are met.
5. *Coastal high hazard areas (V zones).* Located within the areas of special flood hazard established in section 8.05.01 are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash; therefore, the following provisions shall apply:
 - a. All buildings or structures shall be located forty (40) feet landward of the reach of the mean high tide.

- b. All buildings or structures shall be elevated so that the bottom of the lowest supporting horizontal member, excluding pilings or columns, is located no lower than eleven (11) feet above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with subsection 5(h) of this section.
- c. All buildings or structures shall be securely anchored on pilings or columns.
- d. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100-year mean recurrence interval (one (1) percent annual chance flood).
- e. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in subsections 5b, c and d of this section.
- f. There shall be no fill used as structural support. Noncompacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction, prior to generating excessive loading forces, ramping effects, or wave deflection. The building official shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:
 - (1) Particle composition of fill material does not have a tendency for excessive natural compaction;
 - (2) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - (3) Slope of fill will not cause wave run-up or ramping.
- g. There shall be no alteration of sand dunes or mangrove stand which would increase potential flood damage.
- h. Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:
 - (1) No solid walls shall be allowed; and
 - (2) Material shall consist of lattice or mesh screening only.
- i. If aesthetic latticework or screening is utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
- j. Prior to construction, plans for any structures that will have latticework or decorative screening must be submitted to the building official for approval.
- k. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with latticework or decorative screening, as provided for in subsections 5, h and i.
- l. The placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision is prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or

subdivision provided the anchoring standards of section 8.05.02, 2, and the elevation standards of subsection 5,a of this section are met.

8.05.04 - Areas of shallow flooding.

Located within the area of special flood hazard established in section 8.05.01 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.
2. All new construction and substantial improvements of nonresidential structures shall:
 - a. Have the lowest floor, including basement, elevated 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
 - b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level specified in subsection 2,a so that 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.

8.05.05 - Small streams.

Located within the areas of special flood hazard established in section 8.05.01 where small streams exist but where no base flood data has been provided or where no floodways have been provided, the following provisions apply:

1. No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of the bank or twenty (20) feet on each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. New construction or substantial improvements of structures shall be elevated or floodproofed in accordance with elevations established in section 8.04.02(a).

8.05.06 - Subdivision proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

8.06.00 - Groundwater and wellhead protection standards

8.06.01 - Generally.

It shall be a policy of the City of New Port Richey to review all development proposals for the purpose of limiting the discharge of toxic substances or other harmful pollutants into the groundwater aquifer and to specifically review and limit potentially harmful discharges upon or adjacent to designated wellheads and wellfields as identified in the City of New Port Richey adopted comprehensive plan.

8.06.02 - Minimum criteria for groundwater.

- A. All groundwater shall at all times and places be free from domestic, industrial, agricultural or other man-induced, non-thermal components of discharges in concentrations which alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) which are:
 - (1) Harmful to plants, animals or organisms that are native to the soil and responsible for treatment or stabilization of the discharge relied upon by permits issued by the Florida Department of Environmental Regulations;
 - (2) Carcinogenic, mutagenic, teratogenic or toxic to human beings, unless specific criteria have been established by appropriate rules of the Florida Department of Environmental Regulations;
 - (3) Are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the groundwater at the point of contact with surface waters;
 - (4) Pose a serious danger to the public health, safety or welfare, as established by scientific or professional opinion;
 - (5) Create or constitute a nuisance, as defined by the Florida Statutes;
 - (6) Impair the reasonable and beneficial use of adjacent waters.
- (B) Minimum criteria shall not apply to the groundwater classified as Class G-IV by the Florida Department of Environmental Regulations unless said department determines that there is a danger to the public health, safety or welfare.

8.06.03 - Protection standards.

- 1. Within areas of the city designated as prime recharge areas or wellhead locations, all proposed development/redevelopment shall prepare and submit with the development applications a groundwater/wellhead impact report. The purpose of this report is to provide evidence of the probable impact of the proposed development on the groundwater supply and recharge potential of the area and existing or designated wellhead locations;
- 2. Protected wellheads shall be those with a permitted capacity of ten thousand (10,000) GPD or more;
- 3. Limited development/redevelopment, other than work to be performed to alleviate code violations of existing developments, shall be permitted within two hundred (200) feet of existing or designated wellheads. This area shall be called a zone of exclusion;
- 4. Within the designated zone of exclusion, the following uses are prohibited:
 - (a) Landfills;
 - (b) Facilities for the bulk storage, handling or processing of materials on the Florida Toxic Substance List (Chapter 442, F.S.);
 - (c) Activities which require storage, use, handling, production or transportation of restricted substances, i.e., agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial wastes, chemical/medical wastes, etc.;
 - (d) Feed lots and other concentrated animal facilities;
 - (e) Wastewater treatment plants, percolation ponds and similar uses;
 - (f) Liquid waste disposal;

(g) Solid waste disposal.

(Ord. No. 1268, § 17, 11-19-91)

8.07.00 - Landscape standards.^[4]

This section is intended to assure that for all developments or areas proposed to be developed or being developed in the City of New Port Richey, Florida, other than single-family or duplex, where off-street parking and open-lot sales, display and service area provided, a portion of such areas be devoted to landscape beautification and natural plant growth. The purpose of this requirement is to improve the appearance, environment, character and value of the total urban area, and to protect nearby properties, thereby promoting the public health and general welfare.

Footnotes:

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Cross reference— Protection of water quality and quantity using Florida-friendly landscapes, §§ 24-351—24-367.

8.07.01 - Definition of terms.

For the purpose of this section, certain words and terms used herein shall be defined as follows:

City manager. The city manager of the City of New Port Richey, or such person as he shall designate to act in his stead.

Ground covers. Ground covers include plant material which reach a maximum height of not more than twelve (12) inches and may be used in lieu of grass. Groundcovers must present a finished appearance and reasonably complete coverage at time of planting.

Landscaping. Consisting of any of the following or a combination thereof: material such as, but not limited to grass, groundcovers, shrubs, vines, hedges, trees or palms; other material such as rocks, pebbles, sand, decorating fence, but excluding paving.

Lawn grass. Grass shall include all species normally grown as permanent lawns in New Port Richey. Grass may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in areas subject to erosion. In areas where other than solid sod or grass seed is used, nurseggrass seed shall be sown for immediate effect and protection until coverage is otherwise achieved. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases.

Plant material. Material to be used in conformance with this section shall conform to the standards for Florida No. 1, or better as given in the current "Grade and Standards for Nursery Plants," State of Florida, Department of Agriculture, Tallahassee or equal thereto.

Shrubs and hedges. Shrubs and hedges are self-supporting, woody, evergreen species and shall be a minimum of eighteen (18) inches in height when measured immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen. Spacing of plants shall be no more than two and one-half (2½) to three (3) feet on center, depending on species.

Trees. Trees shall be defined as self-supporting, woody plants which normally grow to a minimum height of fifteen (15) feet or greater in New Port Richey and having trunks which can be maintained with over five (5) feet of clear wood. Trees or palms having an average mature crown spread of less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread. All required trees other than palms shall be a minimum of eight (8) feet high at the

time of planting. If palms are used, they shall consist of no more than fifty (50) percent of the total tree requirement for any vehicular use area and shall have a minimum of ten (10) feet of clear wood at planting. Trees planted in the public right-of-way shall require a permit from the code enforcement department so designated by the city manager as having authority. A list of acceptable trees will be on hand in the code enforcement office.

Vehicular use areas. Shall be construed to mean and include all areas used for the circulation, parking, and/or display of any and all types of vehicles, boats or heavy construction equipment, whether self-propelled or not, and all land upon which vehicles traverse as a function of the primary use. This shall include, but is not limited to, activities of a drive-in nature.

8.07.02 - Minimum landscape requirements for zoning districts.

All vehicular use areas, as herein defined, shall conform to the minimum landscaping requirements herein defined by this section.

1. *MF-10, MF-14, MF-30.* Any vehicular use areas where more than three (3) parking spaces, other than single-family and duplex residences are provided shall comply with the following requirements:
 - a. Perimeter landscaping. The exterior perimeters of all vehicular use areas shall be landscaped with a buffer strip which is at least three (3) feet in width. Such buffer strips shall include one (1) tree for each thirty-five (35) linear feet, or fraction thereof, of perimeter. Said trees may be planted in clusters or groupings and not necessarily in a equa-distant row planting. Also within these buffer strips, a hedge, or other durable landscaped barrier, shall be installed in such a manner as to screen the vehicular use area from the public right-of-way if applicable.
 - b. Interior landscaping requirements. An area or a combination of areas, equal to ten (10) percent of the total vehicular use area exclusive of perimeter landscape buffers required under this section, shall be devoted to interior landscaping provided in excess of that required by this section may be counted as part of the interior landscaping requirements. When the vehicular use area is related to a structure or structures on the same parcel of land, any landscaping on said parcel which serves to beautify the vehicular use area, may be counted toward meeting the interior landscaping requirement. There shall be a minimum of one (1) tree planted for every two (2) separate planters installed in the vehicular use area; but in no instance shall there be less than one (1) tree for each four hundred (400) square feet or fraction thereof of required interior landscaped area. These planters shall be located to most effectively relieve the monotony of large expanse of paving and contribute to the orderly circulation of vehicular and pedestrian traffic.
2. *Office zoning.* All vehicular use areas herein defined shall be landscaped as required below:
 - a. Perimeter landscaping. The exterior perimeters of all vehicular use areas shall be landscaped with a buffer strip which is at least three (3) feet in width. Such buffer strips shall include one (1) tree for each thirty-five (35) linear feet, or fraction thereof, of perimeter. Also within these buffer strips, a hedge, or other durable landscaped barrier, shall be installed in such a manner as to screen the vehicular use area from the public right-of-way if applicable.
 - b. Interior landscaping requirements. An area or a combination of areas, equal to ten (10) percent of the total vehicular use area exclusive of perimeter landscape buffers required under this section, shall be devoted to interior landscaping. Any perimeter landscaping provided in excess of that required by this section may be counted as part of the interior landscaping requirement. When the vehicular use area is related to a structure or structures on the same parcel of land, any landscaping on said parcel which serves to beautify the vehicular use area, may be counted toward meeting the interior landscaping requirement. There shall be a minimum of one (1) tree planted for every two (2) separate planters installed in the vehicular use area, but in no instance shall there be less than one

- (1) tree for each four hundred (400) square feet or fraction thereof of required interior landscaped area. These planters shall be located to most effectively relieve the monotony of large expanses of paving and contribute to the orderly circulation of vehicular and pedestrian traffic.
3. *All vehicular use areas in these zoning categories as herein defined shall be landscaped as required below:*
 - a. Perimeter landscaping. The exterior perimeters of all vehicular use areas adjacent to a public right-of-way or land of a residential zoning category shall be landscaped with a buffer strip which is at least three (3) feet in width. Such buffer strip shall be planted with one (1) tree as defined herein, for each thirty-five (35) linear feet, or fraction thereof, of perimeter. Also within these buffer strips, a hedge or other durable landscaped barrier shall be installed in such a manner as to screen the vehicular use area from the public right-of-way. When a public right-of-way is totally included within property of these zoning categories, as in but not limited to, an "industrial park," the following requirements shall apply. One (1) tree will be required for each fifty (50) linear feet of the perimeter of the vehicular use area. Said tree(s) need not be spaced equally, they may be clumped at property corners so as to provide a visual opening to insure adequate space for the business. No hedge will be required.
 - b. Interior landscaping. The requirements for other zoning categories herein defined (see _____) shall apply excepting in areas where the vehicular use area is separated from public view by a building or landscape barrier as required by the perimeter landscaping requirements under subsection (1)a. of this section.
 4. *Abutting public street right-of-way.* Necessary accessways from the public right-of-way shall be permitted to service the vehicular use areas, provided proper site distances restrictions, as herein defined, are adhere to.

8.07.03 - Installation.

All landscaping shall be installed in accord with accepted good planting procedures as prescribed by the American Society of Landscape Architects with the quality of plants as previously described in 8.07.01. Landscaped areas, wall structures and walks in public parking areas shall require protection from vehicular encroachment or overhang through appropriate wheel stops or curbs, located a minimum of two and one-half (2½) feet from the above.

8.07.04 - Additional permissive landscaping.

Where a wheel stop or curbs are utilized, the paved area between the curb and the end of the parking space may be omitted, providing it is landscaped in addition to the required landscaping herein, and further provided said landscaping is of material such as ground cover, grass and/or other material.

8.07.05 - Maintenance.

The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. Water supply shall be piped to each individual planter island, and in no cases, shall any landscaped area be more than fifty (50) feet from a water supply hose bib.

8.07.06 - Sight distance restrictions at intersections.

When an accessway intersects a public right-of-way or other accessway, or when the subject property abuts the intersection of two (2) or more public rights-of-way, all landscaping within the triangular areas described in 8.07.06(1)(2) and hereinafter referred to as the "cross-visibility area," shall provide unobstructed cross-visibility at a level between three (3) and six (6) feet. Trees having over six (6) feet of

clear trunk with limbs and foliage trimmed in such a manner as not to extend into the cross-visibility area shall be permitted in said area, provided they in no way create a traffic hazard.

8.07.07 - Private to public right-of-way intersections.

The area of property on both sides of an accessway formed by the intersection on each side of the accessway and the public right-of-way line with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides.

8.07.08 - Public rights-of-way intersections.

The area of property located at a corner formed by the intersection of two (2) or more public rights-of-way with two (2) sides of the triangular area being thirty (30) feet in length along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two (2) sides.

8.07.09 - Site plan approval required prior to development of vehicular use areas.

Prior to the development of any vehicular use area, a site plan must be approved by the development review committee. Issuance of this approval is contingent upon the following:

1. Submission of vehicular use plan. The developer shall submit to the city manager three (3) copies of a combination site plan-planting plan. Said plan, hereinafter referred to as a "vehicular use plan," shall be required for all proposed use areas. When the vehicular use area is relative to a proposed new structure, the vehicular use plan shall be submitted at the time of submittal of building plans of the proposed structure. In zones where the proposed use requires site plan approval, the "vehicular use plan" shall be submitted as part of normal site plan review.
2. Presentation requirements. The name, address and telephone number of the owner and of the designer shall be indicated on the plan. Said plan shall be drawn to suitable scale, indicate all dimensions and property lines, provide data and the northpoint, and clearly delineate existing and proposed parking spaces, access aisles, driveways, sidewalks, wheel stops, curbs and other vehicular use controls. The location of curb cuts on adjacent property, median openings on abutting streets, lighting, irrigation system, proposed planting areas, decorative or screen walls, existing trees and related buildings shall be shown. Planting areas must indicate the quantity, spacing, size and name of proposed plant material. An exterior elevation and a wall section shall be provided for any decorative screen wall indicated on the plan.

8.07.10 - Certification of compliance required upon completion of improvement.

Upon completion of improvement, code enforcement inspection officers shall inspect the vehicular use area for compliance with the approved vehicular use plan and other requirements of this section. A certificate of compliance must be issued by the inspection officer before a certificate of occupancy can be issued for any related structure, or before paved access (curb cuts) to public streets from the vehicular use areas may be granted. When occupancy of a related building is desired prior to completion of the vehicular use area, a temporary certificate of occupancy or temporary curb lowering permit may be issued if a financial guarantee acceptable in form to the city finance department is provided.

8.07.11 - Existing plant material.

In instances where healthy plant material exists on a site prior to its development, in part or in whole, for purposes of off-street parking or other vehicular use areas, the city manager with the issuance of tree permits shall adjust the application of the above-mentioned standards to allow credit for such plant material if, in his opinion, such an adjustment is in keeping with and will preserve the intent of this section. Any removal of existing trees must be accomplished in accordance with section 8.02.00 herein.

8.07.12 - Variances.

Where strict adherence to the provisions of this section is impossible or impractical to enforce, the city manager may upon receipt of a written request, authorize a variance, if such variance can be made without destroying the intent of this section. Any request for variance to the provisions of this section shall be submitted in writing and shall clearly and in detail state what adjustment of requirements is being requested and the reasons such adjustment is warranted.

8.07.13 - Reverter requirements.

All development constructed prior to the enactment of this section requiring "grounds improvement" as stated in section _____, areas subject to provisions of section, shall within a period of five (5) years from adoption of this section comply with the provisions of this section.

8.07.14 - Penalties.

Violation of any provision of this section is unlawful, and any person, firm or corporation upon conviction thereof, shall be subject to a fine of five hundred dollars (\$500.00).

8.08.00 - Environmentally sensitive lands

8.08.01 - Relationship to other requirements in the protection of environmentally sensitive lands.

In addition to meeting the following protection of environmentally sensitive land requirements, development plans shall comply with applicable federal, state and water management district regulations.

8.08.02 - Compliance when subdividing land.

Each lot of a proposed subdivision must include a site suitable for constructing a structure in conformity with the standards of this protection of environmentally sensitive lands regulations.

8.08.03 - Development activities within environmentally sensitive areas.

Except as otherwise permitted by appropriate regulatory agencies, no development activity shall be undertaken in an environmentally sensitive area.

8.08.04 - Policies as set forth in the comprehensive plan, coastal and conservation section.

- A. In order to reduce non-point source pollutant loads and improve the functioning of the city's drainage and riverine system, dumping of debris of any kind, (e.g. yard clippings and trimmings), into drainage ditches and stormwater control structures shall be prohibited. Adopt Chapter 17-12, F.A.C. (Dredge and Fill).
- B. Conservation areas, such as coastal marshes, freshwater swamps and hardwood hammock areas shall be protected from development that would significantly alter their function and character as defined by the regulatory permitting agencies. Adopt 17-12 F.A.C. (Dredge and Fill) and 17-27 F.A.C. (Mangrove Protection).
- C. Although limited natural resources remain in the City of New Port Richey, every effort shall be taken to protect these resources as follows [Adopt 17-12 F.A.C. (Dredge and Fill) and 17-27 F.A.C. (Mangrove Protection)]:
 1. Recreational development shall be compatible with the surrounding environment and shall be subject to performance standards adopted in the land development regulations; and
 2. The clearing of trees and wetland vegetation shall be prohibited, unless specifically permitted.
- D. The city shall minimize the amount of impervious surface in order to promote groundwater filtration, minimize runoff and protect water quality.
- E. The city shall review the existing coastal construction building code and should adopt, at a minimum, the coastal construction standards embodied in the Coastal Zone Protection Act and shall strictly

enforce their implementation through the building inspection process. As required by the building code, New Port Richey must be consistent with Florida Statutes Section 161.55.

- F. Recognizing that much of the community is located with the 100-year flood plain, the city shall strictly enforce all appropriate federal, state, and local coastal construction codes, facility siting restrictions, and floodplain management regulations. As required by the building code, New Port Richey must be consistent with Florida Statutes section 161.55.

8.08.05 - Activities presumed to have an insignificant adverse effect on environmentally sensitive areas.

- A. *Generally*. Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of an environmentally sensitive area. Activities may be undertaken if authorized by the development review committee, pursuant to this code. Authorization may be denied if the development review committee has shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the environmentally sensitive area.
- B. *Wetlands*. The following uses and activities are presumed to have an insignificant adverse impact on wetlands:
1. Scenic, historic, wildlife or scientific preserves.
 2. Minor repair on emergency repair (as approved by the building official) to an existing structure or improved area.
 3. Cleared walking trails having no structural components.
 4. Timber catwalks.