

## **ORDINANCE 2091**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AMENDING THE CITY OF FORT WALTON BEACH LAND DEVELOPMENT CODE TO MODIFY ANY AND ALL MASCULINE AND/OR FEMININE LANGUAGE TO GENDER NEUTRAL LANGUAGE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA AS FOLLOWS:**

**WHEREAS**, the City of Fort Walton Beach Land Development Code is constantly reviewed to determine whether changes or updates are appropriate as the City grows and develops;

**WHEREAS**, the current Land Development Code uses mostly masculine pronouns such as “he”, “him”, “policeman” and “chairman”;

**WHEREAS**, the City of Fort Walton Beach seeks to be inclusive and recognizes that all genders are created equal; and

**WHEREAS**, the City Council finds it necessary to amend the City of Fort Walton Beach Land Development Code to include gender-neutral pronouns by eliminating any gender preference language within the Land Development Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA AS FOLLOWS:**

**SECTION 1.** The recitals and findings contained in the preamble to this ordinance are adopted by reference and incorporated as if fully set forth in this section.

**SECTION 2.** The pronouns throughout the City of Fort Walton Beach Land Development Code are amended to promote gender-neutral pronouns.

**SECTION 3.** Subject to final approval by the City Council, the Municipal Code Corporation has authority to degenderize the City of Fort Walton Beach Land Development Code and update pronouns when appropriate, which authority includes the updating of future ordinances, by making changes as set out in Exhibit “A” Gender Neutral Report.

### **SECTION 4. SEVERABILITY.**

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

### **SECTION 5. EFFECTIVE DATE.**

This ordinance shall take effect immediately upon approval on second reading by the City Council and signature of the Mayor.

Adopted: January 25, 2022

\_\_\_\_\_  
Richard A. Ryneerson, Mayor

Attest:

Approved for form, legal sufficiency

\_\_\_\_\_  
Kim M. Barnes, City Clerk

\_\_\_\_\_  
Hayward Dykes, Jr., City Attorney

Additions are underlined; deletions are stricken.

## Gender Neutralization Report for the Fort Walton Beach Land Development Code

Changing the term "he" to "they;"  
 Changing the term "she" to "they;"  
 Changing the term "his" to "their;"  
 Changing the term "her" to "their;"  
 Changing the term "him" to "them;"  
 Changing the term "himself" to "themselves;"  
 Changing the term "herself" to "themselves;"  
 Changing the term "policeman" to "police officer;"  
 Changing the term "policewoman" to "police officer;"  
 Changing the term "policemen" to "police officers;"  
 Changing the term "policewomen" to "police officers;"  
 Changing the term "fireman" to "firefighter;"  
 Changing the term "firemen" to "firefighters;"\*  
 Changing the term "man or woman" to "person;"  
 Changing the term "men and women" to "persons;"  
 Changing the term "chairman" to "chair;" and  
 Changing the term "vice chairman" to "vice chair."

Additional terms, such as: "workmanlike," "manmade" or "man-made," and "manhole" were found in review of the Code of Ordinances. Where they were identified, suggestions were made as to language that would more reasonably confer gender neutrality.

Code Section	Text	Context Change (if needed)
1.06.02.D.4	4. The <b>chairman</b> shall be responsible for procedures of meetings and hearings and shall take such action as may be necessary to preserve order and the integrity of all proceedings.	
1.08.02, Development definition	<i>Development:</i> Any <b>man-made</b> 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, excavations, drilling operations or any other land disturbing activities.	"man-made" to "artificially made"
1.08.02, Pollutant definition	<i>Pollutant:</i> Any substance, contaminant, noise, or <b>manmade or man-induced</b> alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.	"manmade or man-induced" to "artificially made or artificially induced"
3.05.01.D	D. Warning. The degree of flood protection required by this Section and the Florida Building Code, as amended by this community, is considered the minimum reasonable for	

	regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this Section.	
3.05.15.A	A. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Section or the Florida Building Code, shall:	
3.05.17, Critical Facilities definition	<i>Critical facilities.</i> All manmade structures or other improvements that, because of their function, size, service area, or uniqueness, have the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities if they are destroyed, damaged, or if their functionality is impaired. These include emergency response facilities (fire stations, police stations, rescue squads, emergency vehicle garages, and emergency operations centers), custodial facilities (jails and other detention centers, long-term care facilities, hospitals, and other health care facilities), schools, day care facilities, emergency shelters, utilities (water supply, wastewater treatment facilities, and power), communications facilities, hazardous materials facilities, and any other assets determined by the community to be of critical importance for the protection of the health and safety of the population.	
3.05.17, Development definition	<i>Development.</i> Any 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, excavations, drilling operations, or any other land disturbing activities.	
9.01.08.A	A. An applicant may request, in writing, a continuation of a public hearing regarding his application.	
9.06.02.E	E. Members of the general public may provide comment during the hearing. If a member of the general public desires his or her testimony to be considered as potential competent substantial evidence, such person shall be placed under oath and subject to cross-examination.	