

ORDINANCE NO. 09-19

AN ORDINANCE AMENDING ORDINANCE NO. 04-27 ENTITLED "CHAPTER 9 DRAINAGE, ARTICLE II, FLOODPLAINS" THE CODE OF BAY COUNTY, FLORIDA, AS AMENDED; PROVIDING FOR AUTHORITY AND PURPOSE; PROVIDING A SHORT TITLE; PROVIDING FOR THE AMENDMENT TO CHAPTER 9, DRAINAGE, ARTICLE II, FLOODPLAINS OF THE CODE OF BAY COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY.

WHEREAS, the Board of County Commissioners of Bay County, Florida (The "Board"), approved Ordinance No. 04-27, "Chapter 9, Drainage, Article II, Floodplains" of the Code of Bay County, Florida;

WHEREAS, the Board has approved other ordinances amending Ordinance No. 04-27,

WHEREAS, certain amendments to Federal Law adopted since 1993 require updated Ordinance 04-27 to meet the minimum criteria imposed by Federal law;

WHEREAS, pursuant to Section 125.66, Florida Statutes the Board conducted a public hearing on June 16, 2009, and found the proposed modifications to Chapter 9 entitled Drainage, Article II, and Floodplains of the Code of Bay County, Florida, desirable and necessary to fulfill the intent of the Board;

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Bay County:

Section 1. AUTHORITY AND PURPOSE. This ordinance is adopted pursuant to the authority granted counties in Chapter 125 and is enacted to provide for the health, safety and welfare of the citizens of Bay County.

Section 2. SHORT TITLE. This ordinance shall be known as the amendment to Chapter 9, Drainage, Article II, Floodplains of the Code of Ordinances of Bay County, Florida.

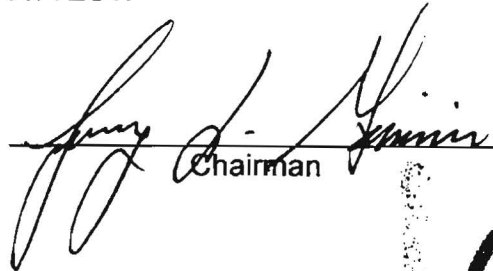
Section 3. AMENDMENT TO CHAPTER 9, DRAINAGE, ARTICLE II, FLOODPLAINS OF THE CODE OF BAY COUNTY, FLORIDA. Chapter 9, Drainage, Article II, Floodplains of the Code of Bay County, Florida is hereby amended as set forth on Exhibit 1.

Section 4. EFFECTIVE DATE. This ordinance shall take effect as provided by law.

Section 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decisions shall not effect the validity of the remaining portions hereof. The Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared illegal, invalid, or unconstitutional, and all ordinances and parts or ordinances in conflict with the provision of this ordinance are hereby repealed.

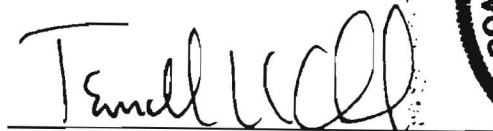
PASSED AND ADOPTED this 16th day of June 2009, BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA.

ATTEST:


Chairman


Clerk

Approved as to correctness and for:



Terrell K. Arline, Esquire

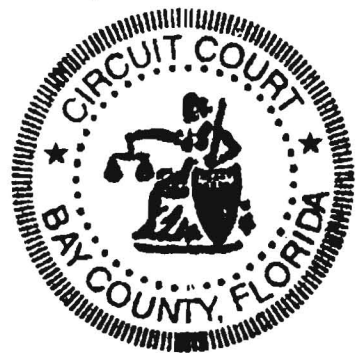


EXHIBIT 1

Chapter 9 DRAINAGE*

ARTICLE II. FLOODPLAINS

Sec. 9-26. Statutory authorization, findings of fact, purpose and objectives.

(a) **Statutory authorization.** The legislature of the state has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the board does ordain as follows:

(b) **Findings of fact.**

- (1) The flood hazard areas of the county may be subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are compounded by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(c) **Statement of purpose.** It is the purpose of this article 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 life, 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;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase erosion of flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(d) **Objectives. The objectives of this article are:**

- (1) To protect human life and health;
- (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, streets and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas; and
- (7) To ensure that potential homebuyers are notified that property is in a flood prone area.

(Ord. No. 93-02, art. 3, 3-2-93)

Sec. 9-27. Definitions.

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

Accessory Structure (Appurtenant Structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal 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 or height of a building, in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter loadbearing walls is new construction.

Appeal means a request for a review of the building official's interpretation of any provision of this article or a request for a variance.

Area of shallow flooding means a designated A0 or V0 zone on a community's 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. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to the 100-year flood (which is subject to a one-percent or greater change of flooding in any given year) as identified on the flood insurance rate map (FIRM), or, with the concurrence of the Federal Emergency Management Agency and the board, as identified on a new map in a future stormwater study conducted by the board, a regional water management agency, or a third party.

Base flood or 100-year flood means the flood having a one (1) 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 any portion of a building having its floor subgrade (below ground level) on all sides.

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.

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

Coastal high hazard area means the area subject to high-velocity waters caused by, but not limited to, hurricane wave wash. The area includes lands designated on a FIRM as zone V1--30, VE or V, inlets which are not structurally controlled and lands seaward of the coastal setback line.

Development means any manmade 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.

Elevated building means a nonbasement 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.

Existing construction means any structure for which the "start of construction" commenced before the effective date of this ordinance. the initial floodplain management regulations adopted by Bay County.

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 with their final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance. the initial floodplain management regulations adopted by Bay County.

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 hazard boundary map (FHBM) means an official map of a community, 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 a community, 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 those areas within a community susceptible to being inundated by water from a flooding source.

Floodplain Administrator is the individual appointed to administer and enforce the floodplain management regulations of the community.

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.

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. A floor that is below ground level (grade) on all sides is considered a basement even though the floor is used for living purposes or as an office or workshop. The term does not include the floor of a garage used solely for parking vehicles.

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.

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, or ship repair or seafood processing facilities. The term does not include longterm storage, manufacture, sales or service facilities.

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 the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area 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 requirements of 44 Code of Federal Regulations, Section 60.3, this article.

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

Manufactured home means a building, transportable in one (1) 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 one hundred eighty (180) consecutive days or longer and intended to be improved property.

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

New construction means, for floodplain management purposes, any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by Bay County, of this ordinance. 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 the effective date of floodplain management regulations adopted by a community.

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Principally above ground means at least 51 percent of the actual cash value of the structure is above ground.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (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 a temporary living quarters for recreational, camping, travel or seasonal use.

Reference feature is the receding edge of a bluff or eroding frontal dune, or if such a feature is not present, the normal high-water line or the seaward line of permanent vegetation if a high-water line cannot be identified.

Repetitive Loss means flood related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sixty-year setback means a distance equal to sixty (60) times the average annual longterm recession rate at a site, measured from the reference feature.

Special Flood Hazard Area - see Area of Special Flood Hazard

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348)), includes substantial improvement, and means the date the building permit was issued, 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 or not that alteration affects the external dimensions of the building.

Structures means a walled and roofed building that is principally above ground, a manufactured home, or a gas or liquid storage tank. ~~or other manmade 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 fifty (50) percent of the market value of the structure before the damage occurred.

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.

Substantial improvement means any combination of repairs, reconstruction, ~~rehabilitation, addition,~~ alteration or ~~other~~ improvements to a building taking place during the life of a building in which the cumulative cost equals or exceeds fifty (50) 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 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 the code enforcement official or building official and which are solely necessary to ensure safe living conditions.

Thirty-year setback means a distance equal to thirty (30) times the average annual longterm recession rate at a site, measured from the reference feature.

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

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

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 longterm erosion rate for the site, measured from the referenced feature.

(Ord. No. 93-02, art. 4, 3-2-93)

Sec. 9-28. General Provisions.

(a) Lands to which this article applies. This article shall apply to all areas of special flood hazard within the jurisdiction of the board.

(b) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study dated June 2, 2009, with accompanying maps and other supporting data, and any revisions thereto, are adopted by reference and declared to be a part of this article.

(c) Establishment of building permit. A building permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

(d) Compliance. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.

(e) Abrogation and greater restrictions. This article shall not repeal, abrogate or impair any existing easements, covenants or deed restrictions.

(f) Interpretation. In the interpretation and application of this article all provisions shall be:

- (1) considered as minimum requirements;
- (2) liberally construed in favor of the governing body; and
- (3) deemed neither to limit nor repeal any other powers granted under state statutes. Where this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(g) Warning and disclaimer of liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article 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 article shall not create liability on the part of the board or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(h) Penalties for violation. Violation of the provisions of this article 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 article or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment. In addition, this article may be enforced pursuant to Ordinance No. 89-11 and Ordinance No. 91-02. Nothing herein contained shall prevent the board from taking such other lawful actions as are necessary to prevent or remedy any violations. (Ord. No. 93-02, art. 5, 3-2-93)

Sec. 9-29. Administration.

(a) Designation of building official. The building official is hereby appointed to administer and implement the provisions of this article.

(b) Permit procedures. Application for a building permit shall be made to the building official on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, locations, 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:

(1) Application stage.

- a. Elevation in relation to NGVD or NAVD of the proposed lowest floor (including basement) of all buildings;
- b. Elevation in relation to NGVD or NAVD to which any nonresidential building will be floodproofed;
- c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed building will meet the floodproofing criteria in subsection 9-30(b)(2);
- d. Description of the extent to which any natural watercourse will be altered or relocated as a result of proposed development; and
- e. Elevation in relation to means sea level of the bottom of the lowest horizontal structural member of the lowest floor and provide a certification from a registered engineer or architect indicating that they have developed and/or reviewed the structural designs, specifications and plans of the construction and certified that they are in accordance with accepted standards of practice in Coastal High Hazard Area.

- (2) Construction stage.** Provide a floor elevation or floodproofing certification after the lowest floor is completed, or in 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 horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the building official a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to NGVD. Such elevation certificate 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, such 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 building official shall review the floor 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 such corrections required hereby shall be cause to issue a stop work order for the project.

(c) Duties and responsibilities of the building official/floodplain administrator. Duties of the building official shall include, but not be limited to:

- (1) Review all building permits to assure that the permit requirements of this article have been satisfied.
- (2) 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.
- (3) Notify adjacent communities and the department of community affairs prior to any alteration or relocation of a natural watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (4) Assure that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to NGVD) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with subsection 9-29(b)(2).
- (6) Verify and record the actual elevation (in relation to NGVD) to which the new or substantially improved buildings have been floodproofed, in accordance with subsection 9-29(b)(2).
- (7) In coastal hazard areas, certification shall be obtained from a registered professional engineer or architect that the building is designed and securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.
- (8) In coastal high hazard areas, the building official shall review plans for adequacy of breakaway walls in accordance with subsection 9-30(b)(6)h. and require compliance with F.S. ch. 161.
- (9) When floodproofing is utilized for a particular building, the building official shall obtain certification from a registered professional engineer or architect, in accordance with subsection 9-30(b)(2).
- (10) 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 building official 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.
- (11) When base flood elevation data has not been provided in accordance with subsection 9-28(b), then the building official shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of section 9-30.
- (12) All records pertaining to the provisions of this article shall be maintained in the office of the building official and shall be open for public inspection.

(d) Variance procedures.

- (1) The code enforcement board as established by the board pursuant to Ordinance No. 89-11 shall hear and decide appeals and requests for variances from the requirements of this article.
- (2) The code enforcement board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the building official in the enforcement or administration of this article.
- (3) Any person aggrieved by the decision of the code enforcement board or any taxpayer may appeal such decision to the circuit court in and for the county.
- (4) Variances may be issued for the repair or rehabilitation of historic structures (see definition) 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.
- (5) In passing upon such applications, the code enforcement board shall consider all technical elevations, all relevant factors, all standards specified in other sections of this article, and:

- a. The danger that materials may be swept onto other land to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and the public;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave actions, if applicable, expected at the site; and
 - k. 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.
- (6) Upon consideration of the factors listed above, and the purposes of this article, the code enforcement board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- (7) Conditions for variances:
- a. 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.
 - b. Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship; and
 - 3. A determination that the granting of a variance will not result in adverse flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with state laws or local ordinances.
 - c. 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.
 - d. The building official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. No. 93-02, art. 6, 3-2-93)

Sec. 9-30. Provisions for flood hazard reduction.

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

(a) General standards. In all areas of special flood hazard the following provisions are required:

(1) Copies of all required Federal, State, NWFWM, and local permits shall be submitted as a part of the development permit application.

(2) (4) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

- (3) (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 and local ordinance requirements for resisting wind forces;
- (4) (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (5) (4) New construction and/or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (6) (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
- (7) (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (8) (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
- (9) (8) Onsite waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (10) (9) Any alterations, repair, reconstruction or improvements to a building which is in compliance with the provisions of this article shall meet the requirements of "new construction" as contained in this article; and
- (11) (10) Any alteration, repair, reconstruction or improvements to a building, which is not in compliance with the provisions of this article, shall be undertaken only if said nonconformity is not furthered, extended or replaced.

(b) Specific standards. In all areas of special flood hazard, designated A-Zones, undesignated A-Zones (the developer must survey and provide the base flood elevation, and where base flood elevation data has been provided, as set forth in subsection 9-28(b), or subsection 9-29(c)(11), the following provisions are required:

- (1) Residential construction. New construction and/or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, mechanical and utility equipment, and ductwork elevated no lower than one foot above the base flood elevation, or the 100-year flood elevation established by the Florida Department of Environmental Protection, whichever is higher. 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 standards of subsection (b)(3).
- (2) Nonresidential construction. New construction and/or substantial improvement of any commercial, industrial or nonresidential building (or manufactured home) shall have the lowest floor, including basement, mechanical and utility equipment, and ductwork elevated no lower than one foot above the base flood elevation, or the 100-year flood elevation established by the Florida Department of Environmental Protection, whichever is higher. Buildings located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the building (including mechanical and utility equipment and ductwork) below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building official as set forth in subsection 9-29(c)(9).
- (3) Enclosures Elevated buildings. New construction and/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 or exceed the following minimum criteria:

- 1. Provide a minimum of two (2) openings on different sides of each enclosed area 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. 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

c. The interior portion of such enclosed area shall not be ~~partitioned or finished~~ finished or portioned into separate rooms.

(4) Standards for manufactured homes and recreational vehicles.

a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

1. The lowest floor of the manufactured home, including mechanical and utility equipment and ductwork, is elevated no lower than one foot above the level of the base flood elevation or the 100-year flood elevation established by the Florida Department of Environmental Protection, whichever is higher.

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than thirty-six (36) inches in height above grade.

3. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

4. 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 of subsection (b)(4) b.1. and 3. above.

c. All recreational vehicles placed onsite must either:

1. Be fully licensed and ready for highway use; or

2. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of subsection (b)(4) a. or b.1. and 3. 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 structures.

(5) Floodways. ~~Provision deleted.~~ Reserved

(6) Coastal high hazard areas (V zones).

Located within the areas of special flood hazard established in subsection 9-28(b) 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 landward of the coastal construction setback line, or if seaward, evidence of a variance from the appropriate state agency.

b. All buildings shall be elevated so that the bottom of the lowest supporting horizontal structural member, including mechanical and utility equipment and ductwork, (excluding pilings or columns) is located no lower than one foot above the base flood elevation ~~level or the 100-year flood elevation established by the Florida Department of Environmental Protection, whichever is higher.~~, with all space below the lowest supporting member open so as not to impede the flow of water. Open wood 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 (b)(6) h.

- c. All buildings or structures shall be securely anchored on pilings or columns.
- d. All pile and column foundations and structures attached thereto 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. Water loading values shall equal or exceed the base flood and shall consider wave action. Wind loading values shall be in accordance with the Standard Building Code, 1991 edition current Florida Building Code.
- 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 subsection (b)(6) b., c. and d. of this section.
- f. There shall be no fill used as structural support. Limited ~~Non~~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 runup ~~or~~, ramping, or deflection.
- g. There shall be no alteration of sand dunes or dune vegetation, which would increase potential flood damage.
- h. Lattice work or decorative screening shall be allowed below the ~~base flood elevation~~ lowest floor 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 specification are met:
 - 1. No solid walls shall be allowed; and
 - 2. Material shall consist of open wood lattice or ~~mesh~~ insect screening only.
- i. If aesthetic lattice work 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 buildings that will have open wood lattice work or ~~decorative~~ insect 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 lattice work or decorative screening, as provided for in subsections (b)(6) h. and i.
- l. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) 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 subsection (b)(6) ~~b.~~ d. are met.

(c) Standards for streams without established base flood elevation and/or but without floodways.

Located within the areas of special flood hazard established in subsection 9-28(b) where natural 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:

- (1) No encroachments, including fill material or structures shall be located within areas of special flood hazard, unless certification by a registered professional 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 (1) foot at any point within the community. The

engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(2) New construction and/or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with subsection 9-29(c) (11).

(3) Flood openings shall be provided in accordance with Sec. 9-30 (b) 3.

(d) Standards for subdivision and other development proposals.

(1) All subdivision and other development proposals shall be consistent with the need to minimize flood damage and shall comply with the requirements of Ordinance No. 90-12 for subdivisions;

(2) All subdivision and other development proposals shall have utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) All subdivision and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(4) Elevation data for all subdivision and other development proposals shall be included on the site plan and/or final plat for all areas of special flood hazard. shall be provided for

(e) Standards for areas of shallow flooding (AO-zones).

Located within the areas of special flood hazard established in subsection 9-28(b) are areas designated as shallow flooding areas. 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 buildings shall have the lowest floor, including basement, elevated to at least as high as 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.

(2) All new construction and substantial improvements of nonresidential buildings shall:

a. Have the lowest floor, including basement, elevated to at least as high as 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 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. (Ord. No. 93-02, art. 7, §§ A-E, 3-2-93)