
MEMORANDUM

TO: Jason Haselkorn, Mayor
Jim Lyons, Vice Mayor
Members of the Town Council

FROM: Leonard G. Rubin, Town Attorney

RE: Ordinance No. 687 (Adoption of New Floodplain Management Regulations)

DATE: July 11, 2016

CC: Joseph Lo Bello, Town Manager
Vanessa Mutchnik, Town Clerk
Ruben Cruz, Planning and Zoning Director

Background:

Commencing with the 2010 edition, the Florida Building Code retained flood provisions from the model International Codes that form the basis of the Florida Building Code. Consequently, local governments throughout the state are required to amend their local floodplain management regulations and local administrative amendments to properly coordinate with the Florida Building Code.

Rather than amend the prior model floodplain management ordinance, the Florida Division of Emergency Management developed a completely new model ordinance to coordinate with the Florida Building Code and to satisfy the requirements of the National Flood Insurance Program ("NFIP") administered by FEMA.

The attached ordinance repeals the Town's existing floodplain management regulations and adopts the new model ordinance, including amendments to the administrative provisions of the Florida Building Code. Additionally, the Ordinance adopts the following "higher standards" to satisfy the requirements of the NFIP, thereby ensuring that the Town's residents continue to receive insurance discounts through the Community Rating System:

1. *Freeboard:* The Town's regulations increase the minimum elevation requirement from the base flood elevation to the base flood elevation plus eighteen (18) inches.
2. *Cumulative substantial improvement:* The Town's regulations track the accumulation of the costs of improvements and repairs of buildings over a



ten-year period. Once the cumulative cost reaches fifty percent (50%) of the market value of the structure within a ten-year period, the structure must comply with all current floodplain regulations.

3. *Repetitive loss.* The Town's regulations require that buildings that sustain repetitive loss over a ten-year period be included within the definition of "substantial damage." If the structure sustains flood related damage on two separate occasions during a ten-year period, for which the cost of repairs for each event equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred, the structure must comply with all current floodplain regulations.

The Town's current floodplain management regulations already include these additional standards.

The Planning and Zoning Board considered this Ordinance at its June 27, 2016 meeting and recommended approval by the Town Council.

Recommendation:

Staff recommends that the Town Council consider and approve, on first reading, Ordinance No. 687, adopting new floodplain managements for the Town based on the model ordinance promulgated by the Florida Division of Emergency Management.

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TOWN OF JUNO BEACH

ORDINANCE NO. 687

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY REPEALING ARTICLE III, "FLOOD DAMAGE PROTECTION," OF CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," AND SIMULTANEOUSLY ADOPTING A NEW CHAPTER 7, "FLOODPLAIN REGULATIONS;" ADOPTING FLOOD HAZARD MAPS; DESIGNATING A FLOODPLAIN ADMINISTRATOR; ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS; ADOPTING LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE PERTAINING TO THE DESIGN AND CONSTRUCTION OF BUILDINGS AND STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY, CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Legislature of the State of Florida has in Chapter 166, Florida Statutes, conferred upon municipalities the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Town of Juno Beach and such areas may be subject to periodic inundation which may 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, and

WHEREAS, the Town of Juno Beach was accepted for participation in the National Flood Insurance Program on December 1, 1978 and the Town Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, the Town Council adopted a requirement to increase the minimum elevation requirements for buildings and structures in flood hazard areas prior to July 1, 2010 and, pursuant to Section 553.73(5), Florida Statutes, is formatting that requirement to coordinate with the Florida Building Code; and

1 and flood resistant construction requirements of the *Florida Building Code*
2 are to establish minimum requirements to safeguard the public health,
3 safety, and general welfare and to minimize public and private losses due
4 to flooding through regulation of development in flood hazard areas to:

- 5
- 6 (1) Minimize unnecessary disruption of commerce, access and
7 public service during times of flooding;
 - 8
 - 9 (2) Require the use of appropriate construction practices in
10 order to prevent or minimize future flood damage;
 - 11
 - 12 (3) Manage filling, grading, dredging, mining, paving,
13 excavation, drilling operations, storage of equipment or
14 materials, and other development which may increase flood
15 damage or erosion potential;
 - 16
 - 17 (4) Manage the alteration of flood hazard areas, watercourses,
18 and shorelines to minimize the impact of development on the
19 natural and beneficial functions of the floodplain;
 - 20
 - 21 (5) Minimize damage to public and private facilities and utilities;
 - 22
 - 23 (6) Help maintain a stable tax base by providing for the sound
24 use and development of flood hazard areas;
 - 25
 - 26 (7) Minimize the need for future expenditure of public funds for
27 flood control projects and response to and recovery from
28 flood events; and
 - 29
 - 30 (8) Meet the requirements of the National Flood Insurance
31 Program for community participation as set forth in the Title
32 44 Code of Federal Regulations, Section 59.22.
 - 33

34 (e) *Coordination with the Florida Building Code.* This ordinance
35 is intended to be administered and enforced in conjunction with the *Florida*
36 *Building Code*. Where cited, ASCE 24 refers to the edition of the standard
37 that is referenced by the *Florida Building Code*.

38

39 (f) *Warning.* The degree of flood protection required by this
40 ordinance and the *Florida Building Code*, as amended by the town, is
41 considered the minimum reasonable for regulatory purposes and is based on
42 scientific and engineering considerations. Larger floods can and will occur.
43 Flood heights may be increased by man-made or natural causes. This
44 ordinance does not imply that land outside of mapped special flood hazard
45 areas, or that uses permitted within such flood hazard areas, will be free from
46 flooding or flood damage. The flood hazard areas and base flood elevations

1 contained in the Flood Insurance Study and shown on Flood Insurance Rate
2 Maps and the requirements of Title 44 Code of Federal Regulations,
3 Sections 59 and 60 may be revised by the Federal Emergency
4 Management Agency, requiring the town to revise these regulations to
5 remain eligible for participation in the National Flood Insurance Program.
6 No guaranty of vested use, existing use, or future use is implied or
7 expressed by compliance with this ordinance.

8
9 (f) *Disclaimer of Liability.* This ordinance shall not create
10 liability on the part of the town or by any officer or employee thereof for
11 any flood damage that results from reliance on this ordinance or any
12 administrative decision lawfully made thereunder.

13
14 **Sec. 7-2. Applicability.**

15
16 (a) *In general.* Where there is a conflict between a general
17 requirement and a specific requirement, the specific requirement shall be
18 applicable.

19
20 (b) *Areas to which this ordinance applies.* This ordinance shall
21 apply to all flood hazard areas within the Town of Juno Beach, as
22 established in subsection 7-2(c) below.

23
24 (c) *Basis for establishing flood hazard areas.* The Flood
25 Insurance Study and Wave Height Analysis for the Town of Juno Beach,
26 Florida, Palm Beach County dated March 31, 1982, and all subsequent
27 amendments and revisions, and the accompanying Flood Insurance Rate
28 Maps (FIRM), and all subsequent amendments and revisions to such
29 maps, are adopted by reference as a part of this ordinance and shall serve
30 as the minimum basis for establishing flood hazard areas. Studies and
31 maps that establish flood hazard areas are on file at the Town Center.

32
33 (d) *Submission of additional data to establish flood hazard*
34 *areas.* To establish flood hazard areas and base flood elevations,
35 pursuant to Section 7-5 of this chapter, the Floodplain Administrator may
36 require submission of additional data. Where field surveyed topography
37 prepared by a Florida licensed professional surveyor or digital topography
38 accepted by the town indicates that ground elevations:

39
40 (1) Are below the closest applicable base flood elevation, even
41 in areas not delineated as a special flood hazard area on a
42 FIRM, the area shall be considered as flood hazard area and
43 subject to the requirements of this ordinance and, as
44 applicable, the requirements of the *Florida Building Code*.

45
46 (2) Are above the closest applicable base flood elevation, the

1 area shall be regulated as special flood hazard area unless
2 the applicant obtains a Letter of Map Change that removes
3 the area from the special flood hazard area.

4
5 (e) *Other laws.* The provisions of this ordinance shall not be
6 deemed to nullify any provisions of local, state or federal law.

7
8 (f) *Abrogation and greater restrictions.* This ordinance
9 supersedes any ordinance in effect for management of development in
10 flood hazard areas. However, it is not intended to repeal or abrogate any
11 existing ordinances including but not limited to land development
12 regulations, zoning ordinances, stormwater management regulations, or
13 the *Florida Building Code*. In the event of a conflict between this
14 ordinance and any other ordinance, the more restrictive shall govern. This
15 ordinance shall not impair any deed restriction, covenant or easement, but
16 any land that is subject to such interests shall also be governed by this
17 ordinance.

18
19 (g) *Interpretation.* In the interpretation and application of this
20 ordinance, all provisions shall be:

- 21
22 (1) Considered as minimum requirements;
23
24 (2) Liberally construed in favor of the governing body; and
25
26 (3) Deemed neither to limit nor repeal any other powers granted
27 under state statutes.

28
29 **Sec. 7-3. Duties and powers of the floodplain administrator.**

30
31 (a) *Designation.* The planning and zoning director is designated
32 as the Floodplain Administrator. The Floodplain Administrator may
33 delegate performance of certain duties to other employees.

34
35 (b) *General.* The Floodplain Administrator is authorized and
36 directed to administer and enforce the provisions of this ordinance. The
37 Floodplain Administrator shall have the authority to render interpretations
38 of this ordinance consistent with the intent and purpose of this ordinance
39 and may establish policies and procedures in order to clarify the
40 application of its provisions. Such interpretations, policies, and procedures
41 shall not have the effect of waiving requirements specifically provided in
42 this ordinance without the granting of a variance pursuant to Section 7-7 of
43 this chapter.

44
45 (c) *Applications and permits.* The Floodplain Administrator, in
46 coordination with other pertinent offices of the town, shall:

- 1 (1) Review applications and plans to determine whether
2 proposed new development will be located in flood hazard
3 areas;
- 4
5 (2) Review applications for modification of any existing
6 development in flood hazard areas for compliance with the
7 requirements of this ordinance;
- 8
9 (3) Interpret flood hazard area boundaries where such
10 interpretation is necessary to determine the exact location of
11 boundaries; a person contesting the determination shall
12 have the opportunity to appeal the interpretation;
- 13
14 (4) Provide available flood elevation and flood hazard
15 information;
- 16
17 (5) Determine whether additional flood hazard data shall be
18 obtained from other sources or shall be developed by an
19 applicant;
- 20
21 (6) Review applications to determine whether proposed
22 development will be reasonably safe from flooding;
- 23
24 (7) Issue floodplain development permits or approvals for
25 development other than buildings and structures that are
26 subject to the *Florida Building Code*, including buildings,
27 structures and facilities exempt from the *Florida Building*
28 *Code*, when compliance with this ordinance is demonstrated,
29 or disapprove the same in the event of noncompliance; and
- 30
31 (8) Coordinate with and provide comments to the Building
32 Official to assure that applications, plan reviews, and
33 inspections for buildings and structures in flood hazard areas
34 comply with the applicable provisions of this ordinance.
- 35
36 (d) *Substantial improvement and substantial damage*
37 *determinations*. For applications for building permits to improve buildings
38 and structures, including alterations, movement, enlargement,
39 replacement, repair, change of occupancy, additions, rehabilitations,
40 renovations, substantial improvements, repairs of substantial damage, and
41 any other improvement of or work on such buildings and structures, the
42 Floodplain Administrator, in coordination with the Building Official, shall:
43
44 (1) Estimate the market value, or require the applicant to obtain
45 an appraisal of the market value prepared by a qualified
46 independent appraiser, of the building or structure before the

1 start of construction of the proposed work; in the case of
2 repair, the market value of the building or structure shall be
3 the market value before the damage occurred and before
4 any repairs are made;

5
6 (2) Compare the cost to perform the improvement, the cost to
7 repair a damaged building to its pre-damaged condition, or
8 the combined costs of improvements and repairs, if
9 applicable, to the market value of the building or structure;

10
11 (3) Determine and document whether the proposed work
12 constitutes substantial improvement or repair of substantial
13 damage; the determination requires: for proposed work to
14 repair damage caused by flooding, evaluation of previous
15 permits issued to repair flood-related damage as specified in
16 the definition of "substantial damage"; and evaluation of
17 previous permits issued for improvements and repairs as
18 specified in the definition of "substantial improvement"; and

19
20 (4) Notify the applicant if it is determined that the work
21 constitutes substantial improvement or repair of substantial
22 damage and that compliance with the flood resistant
23 construction requirements of the *Florida Building Code* and
24 this ordinance is required.

25
26 (e) *Modifications of the strict application of the requirements of*
27 *the Florida Building Code.* The Floodplain Administrator shall review
28 requests submitted to the Building Official that seek approval to modify the
29 strict application of the flood load and flood resistant construction
30 requirements of the *Florida Building Code* to determine whether such
31 requests require the granting of a variance pursuant to Section 7-7 of this
32 chapter.

33
34 (f) *Notices and orders.* The Floodplain Administrator shall
35 coordinate with appropriate local agencies for the issuance of all
36 necessary notices or orders to ensure compliance with this ordinance.

37
38 (g) *Inspections.* The Floodplain Administrator shall make the
39 required inspections as specified in Section 7-6 of this chapter for
40 development that is not subject to the *Florida Building Code*, including
41 buildings, structures and facilities exempt from the *Florida Building Code*.
42 The Floodplain Administrator shall inspect flood hazard areas to determine
43 if development is undertaken without issuance of a permit.

44
45 (h) *Other duties of the Floodplain Administrator.* The Floodplain
46 Administrator shall have other duties, including but not limited to:

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- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection (d) above;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* to determine that such certifications and documentations are complete;
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the town are modified; and
- (6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

(i) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial

1 of permits; determinations of whether proposed work constitutes
2 substantial improvement or repair of substantial damage; required design
3 certifications and documentation of elevations specified by the *Florida*
4 *Building Code* and this ordinance; notifications to adjacent communities,
5 FEMA, and the state related to alterations of watercourses; assurances
6 that the flood carrying capacity of altered watercourses will be maintained;
7 documentation related to appeals and variances, including justification for
8 issuance or denial; and records of enforcement actions taken pursuant to
9 this ordinance and the flood resistant construction requirements of the
10 *Florida Building Code*. These records shall be available for public
11 inspection at the Town Center.

12 **Sec. 7-4. Permits.**

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14
15 (a) *Permits required.* Any owner or owner's authorized agent
16 (hereinafter "applicant") who intends to undertake any development
17 activity within the scope of this ordinance, including buildings, structures
18 and facilities exempt from the *Florida Building Code*, which is wholly within
19 or partially within any flood hazard area shall first make application to the
20 Floodplain Administrator, and the Building Official if applicable, and shall
21 obtain the required permit(s) and approval(s). No such permit or approval
22 shall be issued until compliance with the requirements of this ordinance and
23 all other applicable codes and regulations has been satisfied.

24
25 (b) *Floodplain development permits or approvals.* Floodplain
26 development permits or approvals shall be issued pursuant to this ordinance
27 for any development activities not subject to the requirements of the *Florida*
28 *Building Code*, including buildings, structures and facilities exempt from the
29 *Florida Building Code*. Depending on the nature and extent of proposed
30 development that includes a building or structure, the Floodplain
31 Administrator may determine that a floodplain development permit or
32 approval is required in addition to a building permit.

33
34 (c) *Buildings, structures and facilities exempt from the Florida*
35 *Building Code.* Pursuant to the requirements of federal regulation for
36 participation in the National Flood Insurance Program (44 C.F.R. Sections
37 59 and 60), floodplain development permits or approvals shall be required
38 for the following buildings, structures and facilities that are exempt from
39 the *Florida Building Code* and any further exemptions provided by law,
40 which are subject to the requirements of this ordinance:

- 41
42 (1) Railroads and ancillary facilities associated with the railroad.
43
44 (2) Nonresidential farm buildings on farms, as provided in
45 section 604.50, *Florida Statutes*.
46

- 1 (3) Temporary buildings or sheds used exclusively for
2 construction purposes.
- 3
- 4 (4) Mobile or modular structures used as temporary offices.
- 5
- 6 (5) Those structures or facilities of electric utilities, as defined in
7 section 366.02, *Florida Statutes*, which are directly involved
8 in the generation, transmission, or distribution of electricity.
- 9
- 10 (6) Chickees constructed by the Miccosukee Tribe of Indians of
11 Florida or the Seminole Tribe of Florida. As used in this
12 paragraph, the term "chickee" means an open-sided wooden
13 hut that has a thatched roof of palm or palmetto or other
14 traditional materials, and that does not incorporate any
15 electrical, plumbing, or other non-wood features.
- 16
- 17 (7) Family mausoleums not exceeding two hundred and fifty
18 (250) square feet in area which are prefabricated and
19 assembled on site or preassembled and delivered on site
20 and have walls, roofs, and a floor constructed of granite,
21 marble, or reinforced concrete.
- 22
- 23 (8) Temporary housing provided by the Department of
24 Corrections to any prisoner in the state correctional system.
- 25
- 26 (9) Structures identified in section 553.73(10)(k), *Florida*
27 *Statutes*, are not exempt from the *Florida Building Code* if
28 such structures are located in flood hazard areas established
29 on Flood Insurance Rate Maps
- 30
- 31 (d) *Application for a permit or approval.* To obtain a floodplain
32 development permit or approval the applicant shall first file an application
33 in writing on a form furnished by the town. The information provided shall:
- 34
- 35 (1) Identify and describe the development to be covered by the
36 permit or approval.
- 37
- 38 (2) Describe the land on which the proposed development is to
39 be conducted by legal description, street address or similar
40 description that will readily identify and definitively locate the
41 site.
- 42
- 43 (3) Indicate the use and occupancy for which the proposed
44 development is intended.
- 45
- 46 (4) Be accompanied by a site plan or construction documents as

1 specified in Section 7-5 of this chapter.

2
3 (5) State the valuation of the proposed work.

4
5 (6) Be signed by the applicant or the applicant's authorized
6 agent.

7
8 (7) Give such other data and information as required by the
9 Floodplain Administrator.

10
11 (e) *Validity of permit or approval.* The issuance of a floodplain
12 development permit or approval pursuant to this ordinance shall not be
13 construed to be a permit for, or approval of, any violation of this ordinance,
14 the *Florida Building Codes*, or any other ordinance of the town. The
15 issuance of permits based on submitted applications, construction
16 documents, and information shall not prevent the Floodplain Administrator
17 from requiring the correction of errors and omissions.

18
19 (f) *Expiration.* A floodplain development permit or approval shall
20 become invalid unless the work authorized by such permit is commenced
21 within one hundred and eighty (180) days after its issuance, or if the work
22 authorized is suspended or abandoned for a period of one hundred and
23 eighty (180) days after the work commences. Extensions for periods of not
24 more than one hundred and eighty (180) days each shall be requested in
25 writing and justifiable cause shall be demonstrated.

26
27 (g) *Suspension or revocation.* The Floodplain Administrator is
28 authorized to suspend or revoke a floodplain development permit or
29 approval if the permit was issued in error, on the basis of incorrect,
30 inaccurate or incomplete information, or in violation of this ordinance or
31 any other ordinance, regulation or requirement of the town.

32
33 (h) *Other permits required.* Floodplain development permits and
34 building permits shall include a condition that all other applicable state or
35 federal permits be obtained before commencement of the permitted
36 development, including but not limited to the following:

37
38 (1) The South Florida Water Management District; section
39 373.036, *Florida Statutes*.

40
41 (2) Florida Department of Health for onsite sewage treatment
42 and disposal systems; section 381.0065, *Florida Statutes*,
43 and Chapter 64E-6, *Florida Administrative Code*.

44
45 (3) Florida Department of Environmental Protection for
46 construction, reconstruction, changes, or physical activities

1 for shore protection or other activities seaward of the coastal
2 construction control line; section 161.141, *Florida Statutes*.

3
4 (4) Florida Department of Environmental Protection for activities
5 subject to the Joint Coastal Permit; section 161.055, *Florida*
6 *Statutes*.

7
8 (5) Florida Department of Environmental Protection for activities
9 that affect wetlands and alter surface water flows, in
10 conjunction with the U.S. Army Corps of Engineers; Section
11 404 of the Clean Water Act.

12
13 (6) Federal permits and approvals.

14
15 **Sec. 7-5.Site plans and construction documents.**

16
17 (a) *Information for development in flood hazard areas.* The site
18 plan or construction documents for any development subject to the
19 requirements of this ordinance shall be drawn to scale and shall include,
20 as applicable to the proposed development:

21
22 (1) Delineation of flood hazard areas, floodway boundaries and
23 flood zone(s), base flood elevation(s), and ground elevations
24 if necessary for review of the proposed development.

25
26 (2) Where base flood elevations or floodway data are not
27 included on the FIRM or in the Flood Insurance Study, they
28 shall be established in accordance with subsection 7-5(b)(2)
29 or (b)(3) below.

30
31 (3) Where the parcel on which the proposed development will
32 take place will have more than fifty (50) lots or is larger than
33 five (5) acres and the base flood elevations are not included
34 on the FIRM or in the Flood Insurance Study, such
35 elevations shall be established in accordance with
36 subsection 7-5(b)(1) below.

37
38 (4) Location of the proposed activity and proposed structures,
39 and locations of existing buildings and structures; in coastal
40 high hazard areas, new buildings shall be located landward
41 of the reach of mean high tide.

42
43 (5) Location, extent, amount, and proposed final grades of any
44 filling, grading, or excavation.

45
46 (6) Where the placement of fill is proposed, the amount, type,

1 and source of fill material; compaction specifications; a
2 description of the intended purpose of the fill areas; and
3 evidence that the proposed fill areas are the minimum
4 necessary to achieve the intended purpose.

5
6 (7) Delineation of the Coastal Construction Control Line or
7 notation that the site is seaward of the coastal construction
8 control line, if applicable.

9
10 (8) Extent of any proposed alteration of sand dunes or
11 mangrove stands, provided such alteration is approved by
12 the Florida Department of Environmental Protection.

13
14 (9) Existing and proposed alignment of any proposed alteration
15 of a watercourse.

16
17 The Floodplain Administrator is authorized to waive the submission of site
18 plans, construction documents, and other data that are required by this
19 ordinance but that are not required to be prepared by a registered design
20 professional if it is found that the nature of the proposed development is
21 such that the review of such submissions is not necessary to ascertain
22 compliance with this ordinance.

23
24 (b) *Information in flood hazard areas without base flood*
25 *elevations (approximate Zone A).* Where flood hazard areas are
26 delineated on the FIRM and base flood elevation data have not been
27 provided, the Floodplain Administrator shall:

28
29 (1) Require the applicant to include base flood elevation data
30 prepared in accordance with currently accepted engineering
31 practices.

32
33 (2) Obtain, review, and provide to applicants base flood
34 elevation and floodway data available from a federal or state
35 agency or other source or require the applicant to obtain and
36 use base flood elevation and floodway data available from a
37 federal or state agency or other source.

38
39 (3) Where base flood elevation and floodway data are not
40 available from another source, where the available data are
41 deemed by the Floodplain Administrator to not reasonably
42 reflect flooding conditions, or where the available data are
43 known to be scientifically or technically incorrect or otherwise
44 inadequate:

- 1 a. Require the applicant to include base flood elevation
- 2 data prepared in accordance with currently accepted
- 3 engineering practices; or
- 4
- 5 b. Specify that the base flood elevation is two (2) feet
- 6 above the highest adjacent grade at the location of
- 7 the development, provided there is no evidence
- 8 indicating flood depths have been or may be greater
- 9 than two (2) feet.
- 10
- 11 (4) Where the base flood elevation data are to be used to
- 12 support a Letter of Map Change from FEMA, advise the
- 13 applicant that the analyses shall be prepared by a Florida
- 14 licensed engineer in a format required by FEMA, and that it
- 15 shall be the responsibility of the applicant to satisfy the
- 16 submittal requirements and pay the processing fees.
- 17
- 18 (c) *Additional analyses and certifications.* As applicable to the
- 19 location and nature of the proposed development activity, and in addition
- 20 to the requirements of this section, the applicant shall have the following
- 21 analyses signed and sealed by a Florida licensed engineer for submission
- 22 with the site plan and construction documents:
- 23
- 24 (1) For development activities proposed to be located in a
- 25 regulatory floodway, a floodway encroachment analysis that
- 26 demonstrates that the encroachment of the proposed
- 27 development will not cause any increase in base flood
- 28 elevations; where the applicant proposes to undertake
- 29 development activities that do increase base flood
- 30 elevations, the applicant shall submit such analysis to FEMA
- 31 as specified in subsection 7-5(d) below and shall submit the
- 32 Conditional Letter of Map Revision, if issued by FEMA, with
- 33 the site plan and construction documents.
- 34
- 35 (2) For development activities proposed to be located in a
- 36 riverine flood hazard area for which base flood elevations
- 37 are included in the Flood Insurance Study or on the FIRM
- 38 and floodways have not been designated, hydrologic and
- 39 hydraulic analyses that demonstrate that the cumulative
- 40 effect of the proposed development, when combined with all
- 41 other existing and anticipated flood hazard area
- 42 encroachments, will not increase the base flood elevation
- 43 more than one (1) foot at any point within the town. This
- 44 requirement does not apply in isolated flood hazard areas
- 45 not connected to a riverine flood hazard area or in flood
- 46 hazard areas identified as Zone AO or Zone AH.

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2 (3) For alteration of a watercourse, an engineering analysis
3 prepared in accordance with standard engineering practices
4 which demonstrates that the flood-carrying capacity of the
5 altered or relocated portion of the watercourse will not be
6 decreased, and certification that the altered watercourse
7 shall be maintained in a manner which preserves the
8 channel's flood-carrying capacity; the applicant shall submit
9 the analysis to FEMA as specified in subsection 7-5(d)
10 below.

11
12 (4) For activities that propose to alter sand dunes or mangrove
13 stands in coastal high hazard areas (Zone V), an
14 engineering analysis that demonstrates that the proposed
15 alteration will not increase the potential for flood damage.

16
17 (d) *Submission of additional data.* When additional hydrologic,
18 hydraulic or other engineering data, studies, and additional analyses are
19 submitted to support an application, the applicant has the right to seek a
20 Letter of Map Change from FEMA to change the base flood elevations,
21 change floodway boundaries, or change boundaries of flood hazard areas
22 shown on FIRMs, and to submit such data to FEMA for such purposes.
23 The analyses shall be prepared by a Florida licensed engineer in a format
24 required by FEMA. Submittal requirements and processing fees shall be
25 the responsibility of the applicant.

26
27 **Sec. 7-6. Inspections.**

28
29 (a) *In general.* Development for which a floodplain development
30 permit or approval is required shall be subject to inspection.

31
32 (b) *Development other than buildings and structures.* The
33 Floodplain Administrator shall inspect all development to determine
34 compliance with the requirements of this ordinance and the conditions of
35 issued floodplain development permits or approvals.

36
37 (c) *Buildings, structures and facilities exempt from the Florida*
38 *Building Code.* The Floodplain Administrator shall inspect buildings,
39 structures and facilities exempt from the *Florida Building Code* to
40 determine compliance with the requirements of this ordinance and the
41 conditions of issued floodplain development permits or approvals.

42
43 (1) *Buildings, structures and facilities exempt from the Florida*
44 *Building Code, lowest floor inspection.* Upon placement of
45 the lowest floor, including basement, and prior to further
46 vertical construction, the owner of a building, structure or

1 facility exempt from the *Florida Building Code*, or the owner's
2 authorized agent, shall submit to the Floodplain
3 Administrator:

4
5 a. If a design flood elevation was used to determine the
6 required elevation of the lowest floor, the certification
7 of elevation of the lowest floor prepared and sealed
8 by a Florida licensed professional surveyor; or

9
10 b. If the elevation used to determine the required
11 elevation of the lowest floor was determined in
12 accordance with Section 7-5(b)(3)b of this ordinance,
13 the documentation of height of the lowest floor above
14 highest adjacent grade, prepared by the owner or the
15 owner's authorized agent.

16
17 (2) *Buildings, structures and facilities exempt from the Florida*
18 *Building Code, final inspection.* As part of the final
19 inspection, the owner or owner's authorized agent shall
20 submit to the Floodplain Administrator a final certification of
21 elevation of the lowest floor or final documentation of the
22 height of the lowest floor above the highest adjacent grade;
23 such certifications and documentations shall be prepared as
24 specified in subsection (c)(1) above.

25
26 (d) *Manufactured homes.* The Floodplain Administrator shall
27 inspect manufactured homes that are installed or replaced in flood hazard
28 areas to determine compliance with the requirements of this ordinance
29 and the conditions of the issued permit. Upon placement of a
30 manufactured home, certification of the elevation of the lowest floor shall
31 be submitted to the Floodplain Administrator.

32
33 **Sec. 7-7.Variances and appeals.**

34
35 (a) *In General.* The zoning board of adjustment and appeals
36 shall hear and decide on requests for appeals and requests for variances
37 from the strict application of this ordinance. Pursuant to section 553.73(5),
38 *Florida Statutes*, the zoning board of adjustment and appeals shall hear
39 and decide on requests for appeals and requests for variances from the
40 strict application of the flood resistant construction requirements of the
41 *Florida Building Code*. This section does not apply to Section 3109 of the
42 *Florida Building Code, Building*.

43
44 (b) The zoning board of adjustment and appeals shall hear and
45 decide appeals when it is alleged there is an error in any requirement,
46 decision, or determination made by the Floodplain Administrator in the

1 administration and enforcement of this ordinance. Any person aggrieved
2 by the decision may appeal such decision to the Circuit Court, as provided
3 by *Florida Statutes*.

4
5 (c) *Limitations on authority to grant variances.* The zoning board
6 of adjustment and appeals shall base its decisions on variances on
7 technical justifications submitted by applicants, the considerations for
8 issuance in subsection (g) below, the conditions of issuance set forth in
9 subsection (h) below, and the comments and recommendations of the
10 Floodplain Administrator and the Building Official. The zoning board of
11 adjustment and appeals has the right to attach such conditions as it
12 deems necessary to further the purposes and objectives of this ordinance.

13
14 (d) *Restrictions in floodways.* A variance shall not be issued for
15 any proposed development in a floodway if any increase in base flood
16 elevations would result, as evidenced by the applicable analyses and
17 certifications required in Section 7-5(c) of this chapter.

18
19 (e) *Historic buildings.* A variance is authorized to be issued for
20 the repair, improvement, or rehabilitation of a historic building that is
21 determined eligible for the exception to the flood resistant construction
22 requirements of the *Florida Building Code, Existing Building*, Chapter 11
23 Historic Buildings, upon a determination that the proposed repair,
24 improvement, or rehabilitation will not preclude the building's continued
25 designation as a historic building and the variance is the minimum
26 necessary to preserve the historic character and design of the building. If
27 the proposed work precludes the building's continued designation as a
28 historic building, a variance shall not be granted and the building and any
29 repair, improvement, and rehabilitation shall be subject to the
30 requirements of the *Florida Building Code*.

31
32 (f) *Functionally dependent uses.* A variance is authorized to be
33 issued for the construction or substantial improvement necessary for the
34 conduct of a functionally dependent use, as defined in this ordinance,
35 provided the variance meets the requirements of subsection (d) above, is
36 the minimum necessary considering the flood hazard, and all due
37 consideration has been given to use of methods and materials that
38 minimize flood damage during occurrence of the base flood.

39
40 (g) *Considerations for issuance of variances.* In reviewing
41 requests for variances, the zoning board of adjustment and appeals shall
42 consider all technical evaluations, all relevant factors, all other applicable
43 provisions of the *Florida Building Code*, this ordinance, and the following:

- 44
45 (1) The danger that materials and debris may be swept onto
46 other lands resulting in further injury or damage;

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- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the town;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) 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, streets and bridges.

(h) *Conditions for issuance of variances.* Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the zoning board of adjustment and appeals that:

- 1 a. Failure to grant the variance would result in
2 exceptional hardship due to the physical
3 characteristics of the land that render the lot
4 undevelopable; increased costs to satisfy the
5 requirements or inconvenience do not constitute
6 hardship;
7
8 b. The granting of a variance will not result in increased
9 flood heights, additional threats to public safety,
10 extraordinary public expense, nor create nuisances,
11 cause fraud on or victimization of the public or conflict
12 with existing local laws and ordinances; and
13
14 c. The variance is the minimum necessary, considering
15 the flood hazard, to afford relief;

16
17 (3) Receipt of a signed statement by the applicant that the
18 variance, if granted, shall be recorded in the Office of the
19 Clerk of the Court in such a manner that it appears in the
20 chain of title of the affected parcel of land; and
21

22 (4) If the request is for a variance to allow construction of the
23 lowest floor of a new building, or substantial improvement of
24 a building, below the required elevation, a copy in the record
25 of a written notice from the Floodplain Administrator to the
26 applicant for the variance, specifying the difference between
27 the base flood elevation and the proposed elevation of the
28 lowest floor, stating that the cost of federal flood insurance
29 will be commensurate with the increased risk resulting from
30 the reduced floor elevation (up to amounts as high as \$25 for
31 \$100 of insurance coverage), and stating that construction
32 below the base flood elevation increases risks to life and
33 property.

34
35 **Sec. 7-8. Violations.**
36

37 (a) *Violations.* Any development that is not within the scope of
38 the *Florida Building Code* but that is regulated by this ordinance that is
39 performed without an issued permit, that is in conflict with an issued
40 permit, or that does not fully comply with this ordinance, shall be deemed
41 a violation of this ordinance. A building or structure without the
42 documentation of elevation of the lowest floor, other required design
43 certifications, or other evidence of compliance required by this ordinance
44 or the *Florida Building Code* is presumed to be a violation until such time
45 as that documentation is provided.
46

1 (b) *Authority.* For development that is not within the scope of the
2 *Florida Building Code* but that is regulated by this ordinance and that is
3 determined to be a violation, the Floodplain Administrator is authorized to
4 serve notices of violation or stop work orders to owners of the property
5 involved, to the owner's agent, or to the person or persons performing the
6 work.

7
8 (c) *Unlawful continuance.* Any person who shall continue any
9 work after having been served with a notice of violation or a stop work
10 order, except such work as that person is directed to perform to remove or
11 remedy a violation or unsafe condition, shall be subject to penalties as
12 prescribed for violations of this Code or as otherwise provided by law.

13
14 **ARTICLE II. DEFINITIONS**

15
16 **Sec. 7-11. In general.**

17
18 (a) *Scope.* Unless otherwise expressly stated, the following
19 words and terms shall, for the purposes of this ordinance, have the
20 meanings shown in this section.

21
22 (b) *Terms defined in the Florida Building Code.* Where terms are
23 not defined in this ordinance and are defined in the *Florida Building Code*,
24 such terms shall have the meanings ascribed to them in that code.

25
26 (c) *Terms not defined.* Where terms are not defined in this
27 ordinance or the *Florida Building Code*, such terms shall have ordinarily
28 accepted meanings such as the context implies.

29
30 **Sec. 7-12. Definitions.**

31
32 *Alteration of a watercourse.* A dam, impoundment, channel
33 relocation, change in channel alignment, channelization, or change in
34 cross-sectional area of the channel or the channel capacity, or any other
35 form of modification which may alter, impede, retard or change the
36 direction and/or velocity of the riverine flow of water during conditions of
37 the base flood.

38
39 *Appeal.* A request for a review of the Floodplain Administrator's
40 interpretation of any provision of this ordinance.

41
42 *ASCE 24.* A standard titled *Flood Resistant Design and*
43 *Construction* that is referenced by the *Florida Building Code*. ASCE 24 is
44 developed and published by the American Society of Civil Engineers,
45 Reston, VA.

46
47 *Base flood.* A flood having a 1-percent chance of being equaled or

1 exceeded in any given year. [Also defined in FBC, B, Section 1612.2.]The
2 base flood is commonly referred to as the "100-year flood" or the "1-
3 percent-annual chance flood."
4

5 *Base flood elevation.* The elevation of the base flood, including
6 wave height, relative to the National Geodetic Vertical Datum (NGVD),
7 North American Vertical Datum (NAVD) or other datum specified on the
8 Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section
9 1612.2.]
10

11 *Basement.* The portion of a building having its floor subgrade
12 (below ground level) on all sides. [Also defined in FBC, B, Section
13 1612.2.]
14

15 *Coastal construction control line.* The line established by the State
16 of Florida pursuant to section 161.053, *Florida Statutes*, and recorded in
17 the official records of the town, which defines that portion of the beach-
18 dune system subject to severe fluctuations based on a 100-year storm
19 surge, storm waves or other predictable weather conditions.
20

21 *Coastal high hazard area.* A special flood hazard area extending
22 from offshore to the inland limit of a primary frontal dune along an open
23 coast and any other area subject to high velocity wave action from storms
24 or seismic sources. Coastal high hazard areas are also referred to as
25 "high hazard areas subject to high velocity wave action" or "V Zones" and
26 are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30,
27 VE, or V.
28

29 *Design flood.* The flood associated with the greater of the following
30 two areas: [Also defined in FBC, B, Section 1612.2.]
31

- 32 (1) Area with a floodplain subject to a 1-percent or greater
33 chance of flooding in any year; or
34
35 (2) Area designated as a flood hazard area on the town's flood
36 hazard map, or otherwise legally designated.
37

38 *Design flood elevation.* The elevation of the "design flood,"
39 including wave height, relative to the datum specified on the town's legally
40 designated flood hazard map. In areas designated as Zone AO, the
41 design flood elevation shall be the elevation of the highest existing grade
42 of the building's perimeter plus the depth number (in feet) specified on the
43 flood hazard map. In areas designated as Zone AO where the depth
44 number is not specified on the map, the depth number shall be taken as
45 being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]
46

1 *Development.* Any man-made change to improved or unimproved
2 real estate, including but not limited to, buildings or other structures, tanks,
3 temporary structures, temporary or permanent storage of equipment or
4 materials, mining, dredging, filling, grading, paving, excavations, drilling
5 operations or any other land disturbing activities.

6
7 *Encroachment.* The placement of fill, excavation, buildings,
8 permanent structures or other development into a flood hazard area which
9 may impede or alter the flow capacity of riverine flood hazard areas.

10
11 *Existing building and existing structure.* Any buildings and
12 structures for which the "start of construction" commenced before
13 December 1, 1978. [Also defined in FBC, B, Section 1612.2.]

14
15 *Existing manufactured home park or subdivision.* A manufactured
16 home park or subdivision for which the construction of facilities for
17 servicing the lots on which the manufactured homes are to be affixed
18 (including, at a minimum, the installation of utilities, the construction of
19 streets, and either final site grading or the pouring of concrete pads) is
20 completed before December 1, 1978.

21
22 *Expansion to an existing manufactured home park or subdivision.*
23 The preparation of additional sites by the construction of facilities for
24 servicing the lots on which the manufactured homes are to be affixed
25 (including the installation of utilities, the construction of streets, and either
26 final site grading or the pouring of concrete pads).

27
28 *Federal Emergency Management Agency (FEMA).* The federal
29 agency that, in addition to carrying out other functions, administers the
30 National Flood Insurance Program.

31
32 *Flood or flooding.* A general and temporary condition of partial or
33 complete inundation of normally dry land from: [Also defined in FBC, B,
34 Section 1612.2.]

- 35
36 (1) The overflow of inland or tidal waters.
37
38 (2) The unusual and rapid accumulation or runoff of surface
39 waters from any source.

40
41 *Flood damage-resistant materials.* Any construction material
42 capable of withstanding direct and prolonged contact with floodwaters
43 without sustaining any damage that requires more than cosmetic repair.
44 [Also defined in FBC, B, Section 1612.2.]

1 *Flood hazard area.* The greater of the following two areas:[Also
2 defined in FBC, B, Section 1612.2.]

3
4 (1) The area within a floodplain subject to a 1-percent or greater
5 chance of flooding in any year.

6
7 (2) The area designated as a flood hazard area on the town's
8 flood hazard map, or otherwise legally designated.

9
10 *Flood Insurance Rate Map (FIRM).* The official map of the town on
11 which the Federal Emergency Management Agency has delineated both
12 special flood hazard areas and the risk premium zones applicable to the
13 town. [Also defined in FBC, B, Section 1612.2.]

14
15 *Flood Insurance Study (FIS).* The official report provided by the
16 Federal Emergency Management Agency that contains the Flood
17 Insurance Rate Map, the Flood Boundary and Floodway Map (if
18 applicable), the water surface elevations of the base flood, and supporting
19 technical data. [Also defined in FBC, B, Section 1612.2.]

20
21 *Floodplain Administrator.* The office or position designated and
22 charged with the administration and enforcement of this ordinance (may
23 be referred to as the Floodplain Manager).

24
25 *Floodplain development permit or approval.* An official document or
26 certificate issued by the town, or other evidence of approval or
27 concurrence, which authorizes performance of specific development
28 activities that are located in flood hazard areas and that are determined to
29 be compliant with this ordinance.

30
31 *Floodway.* The channel of a river or other riverine watercourse and
32 the adjacent land areas that must be reserved in order to discharge the
33 base flood without cumulatively increasing the water surface elevation
34 more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

35
36 *Floodway encroachment analysis.* An engineering analysis of the
37 impact that a proposed encroachment into a floodway is expected to have
38 on the floodway boundaries and base flood elevations; the evaluation shall
39 be prepared by a qualified Florida licensed engineer using standard
40 engineering methods and models.

41
42 *Florida Building Code.* The family of codes adopted by the Florida
43 Building Commission, including: *Florida Building Code, Building; Florida*
44 *Building Code, Residential; Florida Building Code, Existing Building;*
45 *Florida Building Code, Mechanical; Florida Building Code, Plumbing;*
46 *Florida Building Code, Fuel Gas.*

1
2 *Functionally dependent use.* A use which cannot perform its
3 intended purpose unless it is located or carried out in close proximity to
4 water, including only docking facilities, port facilities that are necessary for
5 the loading and unloading of cargo or passengers, and ship building and
6 ship repair facilities; the term does not include long-term storage or related
7 manufacturing facilities.

8
9 *Highest adjacent grade.* The highest natural elevation of the
10 ground surface prior to construction next to the proposed walls or
11 foundation of a structure.

12
13 *Historic structure.* Any structure that is determined eligible for the
14 exception to the flood hazard area requirements of the *Florida Building*
15 *Code, Existing Building*, Chapter 11 Historic Buildings.

16
17 *Letter of Map Change (LOMC).* An official determination issued by
18 FEMA that amends or revises an effective Flood Insurance Rate Map or
19 Flood Insurance Study. Letters of Map Change include:

20
21 Letter of Map Amendment (LOMA): An amendment based on
22 technical data showing that a property was incorrectly included in a
23 designated special flood hazard area. A LOMA amends the current
24 effective Flood Insurance Rate Map and establishes that a specific
25 property, portion of a property, or structure is not located in a
26 special flood hazard area.

27
28 Letter of Map Revision (LOMR): A revision based on technical data
29 that may show changes to flood zones, flood elevations, special
30 flood hazard area boundaries and floodway delineations, and other
31 planimetric features.

32
33 Letter of Map Revision Based on Fill (LOMR-F): A determination
34 that a structure or parcel of land has been elevated by fill above the
35 base flood elevation and is, therefore, no longer located within the
36 special flood hazard area. In order to qualify for this determination,
37 the fill must have been permitted and placed in accordance with the
38 community's floodplain management regulations.

39
40 Conditional Letter of Map Revision (CLOMR): A formal review and
41 comment as to whether a proposed flood protection project or other
42 project complies with the minimum NFIP requirements for such
43 projects with respect to delineation of special flood hazard areas. A
44 CLOMR does not revise the effective Flood Insurance Rate Map or
45 Flood Insurance Study; upon submission and approval of certified
46 as-built documentation, a Letter of Map Revision may be issued by

1 FEMA to revise the effective FIRM.

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

- 7
8 (1) Designed primarily for purposes of transportation of property
9 or is a derivation of such a vehicle, or
10
11 (2) Designed primarily for transportation of persons and has a
12 capacity of more than 12 persons; or
13
14 (3) Available with special features enabling off-street or off-
15 highway operation and use.

16
17 *Lowest floor.* The lowest floor of the lowest enclosed area of a
18 building or structure, including basement, but excluding any unfinished or
19 flood-resistant enclosure, other than a basement, usable solely for vehicle
20 parking, building access or limited storage provided that such enclosure is
21 not built so as to render the structure in violation of the non-elevation
22 requirements of the *Florida Building Code* or ASCE 24. [Also defined in
23 FBC, B, Section 1612.2.]

24
25 *Manufactured home.* A structure, transportable in one or more
26 sections, which is eight (8) feet or more in width and greater than four
27 hundred (400) square feet, and which is built on a permanent, integral
28 chassis and is designed for use with or without a permanent foundation
29 when attached to the required utilities. The term "manufactured home"
30 does not include a "recreational vehicle" or "park trailer." [Also defined in
31 15C-1.0101, *Florida Administrative Code*]

32
33 *Manufactured home park or subdivision.* A parcel (or contiguous
34 parcels) of land divided into two or more manufactured home lots for rent
35 or sale.

36
37 *Market value.* The price at which a property will change hands
38 between a willing buyer and a willing seller, neither party being under
39 compulsion to buy or sell and both having reasonable knowledge of
40 relevant facts. As used in this ordinance, the term refers to the market
41 value of buildings and structures, excluding the land and other
42 improvements on the parcel. Market value may be established by a
43 qualified independent appraiser, Actual Cash Value (replacement cost
44 depreciated for age and quality of construction), or tax assessment value
45 adjusted to approximate market value by a factor provided by the Property
46 Appraiser.

1
2 *New construction.* For the purposes of administration of this
3 ordinance and the flood resistant construction requirements of the *Florida*
4 *Building Code*, structures for which the "start of construction" commenced
5 on or after December 1, 1978 and includes any subsequent improvements
6 to such structures.

7
8 *New manufactured home park or subdivision.* A manufactured
9 home park or subdivision for which the construction of facilities for
10 servicing the lots on which the manufactured homes are to be affixed
11 (including at a minimum, the installation of utilities, the construction of
12 streets, and either final site grading or the pouring of concrete pads) is
13 completed on or after December 1, 1978.

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

20
21 *Recreational vehicle.* A vehicle, including a park trailer, which is:
22 [See section 320.01, *Florida Statutes*]

- 23
24 (1) Built on a single chassis;
25
26 (2) Four hundred (400) square feet or less when measured at
27 the largest horizontal projection;
28
29 (3) Designed to be self-propelled or permanently towable by a
30 light-duty truck; and
31
32 (4) Designed primarily not for use as a permanent dwelling but
33 as temporary living quarters for recreational, camping, travel,
34 or seasonal use.

35
36 *Sand dunes.* Naturally occurring accumulations of sand in ridges or
37 mounds landward of the beach.

38
39 *Special flood hazard area.* An area in the floodplain subject to a 1
40 percent or greater chance of flooding in any given year. Special flood
41 hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH,
42 V1-V30, VE or V.[Also defined in FBC, B Section 1612.2.]

43
44 *Start of construction.* The date of issuance of permits for new
45 construction and substantial improvements, provided the actual start of
46 construction, repair, reconstruction, rehabilitation, addition, placement, or

1 other improvement is within one hundred and eighty(180) days of the date
2 of the issuance. The actual start of construction means either the first
3 placement of permanent construction of a building (including a
4 manufactured home) on a site, such as the pouring of slab or footings, the
5 installation of piles, the construction of columns.

6
7 Permanent construction does not include land preparation (such as
8 clearing, grading, or filling), the installation of streets or walkways,
9 excavation for a basement, footings, piers, or foundations, the erection of
10 temporary forms or the installation of accessory buildings such as garages
11 or sheds not occupied as dwelling units or not part of the main buildings.
12 For a substantial improvement, the actual "start of construction" means the
13 first alteration of any wall, ceiling, floor or other structural part of a building,
14 whether or not that alteration affects the external dimensions of the
15 building. [Also defined in FBC, B Section 1612.2.]

16
17 *Substantial damage.* Damage of any origin sustained by a building
18 or structure whereby the cost of restoring the building or structure to its
19 before-damaged condition would equal or exceed 50 percent of the
20 market value of the building or structure before the damage occurred. The
21 term also includes flood-related damage sustained by a structure on two
22 separate occasions during a ten (10) year period for which the cost of the
23 repairs at the time of each such flood event, on average, equals or
24 exceeds twenty-five percent (25%) of the market value of the structure
25 before the damage occurred. [Also defined in FBC, B Section 1612.2.]

26
27 *Substantial improvement.* Any combination of repair,
28 reconstruction, rehabilitation, addition, or other improvement of a building
29 or structure taking place during a ten (10) year period, the cumulative cost
30 of which equals or exceeds fifty (50) percent of the market value of the
31 building or structure before the improvement or repair is started. For each
32 building or structure, the ten (10) year period begins on the date of the first
33 permit issued for improvement or repair of that building or structure
34 subsequent to June 1, 1993. If the structure has incurred "substantial
35 damage," any repairs are considered substantial improvement regardless
36 of the actual repair work performed. The term does not, however, include
37 either: [Also defined in FBC, B, Section 1612.2.]

- 38
39 (1) Any project for improvement of a building required to correct
40 existing health, sanitary, or safety code violations identified
41 by the building official and that are the minimum necessary
42 to assure safe living conditions.
43
44 (2) Any alteration of a historic structure provided the alteration
45 will not preclude the structure's continued designation as a
46 historic structure.

1
2 *Variance.* A grant of relief from the requirements of this ordinance,
3 or the flood resistant construction requirements of the *Florida Building*
4 *Code*, which permits construction in a manner that would not otherwise be
5 permitted by this ordinance or the *Florida Building Code*.

6
7 *Watercourse.* A river, creek, stream, channel or other topographic
8 feature in, on, through, or over which water flows at least periodically.

9
10 **ARTICLE III. FLOOD RESISTANT DEVELOPMENT**

11
12 **Sec. 7-21. Buildings and structures.**

13
14 (a) *Design and construction of buildings, structures and facilities*
15 *exempt from the Florida Building Code.* Pursuant to Section 7-4(c) of this
16 chapter, buildings, structures, and facilities that are exempt from the *Florida*
17 *Building Code*, including substantial improvement or repair of substantial
18 damage of such buildings, structures and facilities, shall be designed and
19 constructed in accordance with the flood load and flood resistant construction
20 requirements of ASCE 24. Structures exempt from the *Florida Building Code*
21 that are not walled and roofed buildings shall comply with the requirements of
22 Section 7-27 of this chapter.

23
24 (b) *Buildings and structures seaward of the coastal construction*
25 *control line.* If extending, in whole or in part, seaward of the coastal
26 construction control line and also located, in whole or in part, in a flood
27 hazard area:

28
29 (1) Buildings and structures shall be designed and constructed
30 to comply with the more restrictive applicable requirements
31 of the *Florida Building Code*, *Building Section 3109* and
32 *Section 1612* or *Florida Building Code, Residential Section*
33 *R322*.

34
35 (2) Minor structures and non-habitable major structures as
36 defined in section 161.54, *Florida Statutes*, shall be
37 designed and constructed to comply with the intent and
38 applicable provisions of this ordinance and ASCE 24.

39
40 **Sec. 7-22. Subdivisions.**

41
42 (a) *Minimum requirements.* Subdivision proposals, including
43 proposals for manufactured home parks and subdivisions, shall be
44 reviewed to determine that:

45
46 (1) Such proposals are consistent with the need to minimize
47 flood damage and will be reasonably safe from flooding;

1
2 (2) All public utilities and facilities such as sewer, gas, electric,
3 communications, and water systems are located and
4 constructed to minimize or eliminate flood damage; and

5
6 (3) Adequate drainage is provided to reduce exposure to flood
7 hazards; in Zones AH and AO, adequate drainage paths
8 shall be provided to guide floodwaters around and away
9 from proposed structures.

10
11 (b) *Subdivision plats.* Where any portion of proposed
12 subdivisions, including manufactured home parks and subdivisions, lies
13 within a flood hazard area, the following shall be required:

14
15 (1) Delineation of flood hazard areas, floodway boundaries and
16 flood zones, and design flood elevations, as appropriate,
17 shall be shown on preliminary plats;

18
19 (2) Where the subdivision has more than fifty (50) lots or is
20 larger than five (5) acres and base flood elevations are not
21 included on the FIRM, the base flood elevations determined
22 in accordance with Section 7-5(b)(1) of this chapter; and

23
24 (3) Compliance with the site improvement and utilities
25 requirements of Section 7-23 of this chapter.

26
27 **Sec. 7-23. Site improvements, utilities and limitations.**

28
29 (a) *Minimum requirements.* All proposed new development shall
30 be reviewed to determine that:

31
32 (1) Such proposals are consistent with the need to minimize
33 flood damage and will be reasonably safe from flooding;

34
35 (2) All public utilities and facilities such as sewer, gas, electric,
36 communications, and water systems are located and
37 constructed to minimize or eliminate flood damage; and

38
39 (3) Adequate drainage is provided to reduce exposure to flood
40 hazards; in Zones AH and AO, adequate drainage paths
41 shall be provided to guide floodwaters around and away
42 from proposed structures.

43
44 (b) *Sanitary sewage facilities.* All new and replacement sanitary
45 sewage facilities, private sewage treatment plants (including all pumping
46 stations and collector systems), and on-site waste disposal systems shall

1 be designed in accordance with the standards for onsite sewage treatment
2 and disposal systems in Chapter 64E-6, *Florida Administrative Code*, and
3 ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into
4 the facilities and discharge from the facilities into flood waters, and
5 impairment of the facilities and systems.

6
7 (c) *Water supply facilities.* All new and replacement water
8 supply facilities shall be designed in accordance with the water well
9 construction standards in Chapter 62-532.500, *Florida Administrative*
10 *Code*, and ASCE 24 Chapter 7 to minimize or eliminate infiltration of
11 floodwaters into the systems.

12
13 (d) *Limitations on sites in regulatory floodways.* No
14 development, including but not limited to site improvements, and land
15 disturbing activity involving fill or re-grading, shall be authorized in the
16 regulatory floodway unless the floodway encroachment analysis required
17 in Section 7-5(c)(1) of this chapter demonstrates that the proposed
18 development or land disturbing activity will not result in any increase in the
19 base flood elevation.

20
21 (e) *Limitations on placement of fill.* Subject to the limitations of
22 this ordinance, fill shall be designed to be stable under conditions of
23 flooding including rapid rise and rapid drawdown of floodwaters, prolonged
24 inundation, and protection against flood-related erosion and scour. In
25 addition to these requirements, if intended to support buildings and
26 structures (Zone A only), fill shall comply with the requirements of the
27 *Florida Building Code*.

28
29 (f) *Limitations on sites in coastal high hazard areas (Zone V).*
30 In coastal high hazard areas, alteration of sand dunes and mangrove
31 stands shall be permitted only if such alteration is approved by the Florida
32 Department of Environmental Protection and only if the engineering
33 analysis required by Section 7-5(c)(4) of this chapter demonstrates that
34 the proposed alteration will not increase the potential for flood damage.
35 Construction or restoration of dunes under or around elevated buildings
36 and structures shall comply with Section 7-27(h)(3) of this chapter.

37
38 **Sec. 7-24. Manufactured homes.**

39
40 (a) *In General.* All manufactured homes installed in flood
41 hazard areas shall be installed by an installer that is licensed pursuant to
42 section 320.8249, *Florida Statutes*, and shall comply with the
43 requirements of Chapter 15C-1, *Florida Administrative Code*, and the
44 requirements of this ordinance. If located seaward of the coastal
45 construction control line, all manufactured homes shall comply with the
46 more restrictive of the applicable requirements.

1
2 (b) *Foundations.* All new manufactured homes and replacement
3 manufactured homes installed in flood hazard areas shall be installed on
4 permanent, reinforced foundations that:

5
6 (1) In flood hazard areas (Zone A) other than coastal high
7 hazard areas, are designed in accordance with the
8 foundation requirements of the *Florida Building Code,*
9 *Residential Section R322.2* and this ordinance. Foundations
10 for manufactured homes subject to subsection (d)(2) below
11 are permitted to be reinforced piers or other foundation
12 elements of at least equivalent strength.

13
14 (2) In coastal high hazard areas (Zone V), are designed in
15 accordance with the foundation requirements of the *Florida*
16 *Building Code, Residential Section R322.3* and this
17 ordinance.
18

19 (c) *Anchoring.* All new manufactured homes and replacement
20 manufactured homes shall be installed using methods and practices which
21 minimize flood damage and shall be securely anchored to an adequately
22 anchored foundation system to resist flotation, collapse or lateral
23 movement. Methods of anchoring include, but are not limited to, use of
24 over-the-top or frame ties to ground anchors. This anchoring requirement
25 is in addition to applicable state and local anchoring requirements for wind
26 resistance.
27

28 (d) *Elevation.* Manufactured homes that are placed, replaced,
29 or substantially improved shall comply with subsection (d)(1) or (d)(2)
30 below, as applicable.
31

32 (1) *General elevation requirement.* Unless subject to the
33 requirements of subsection (d)(2) below, all manufactured
34 homes that are placed, replaced, or substantially improved
35 on sites located: (a) outside of a manufactured home park or
36 subdivision; (b) in a new manufactured home park or
37 subdivision; (c) in an expansion to an existing manufactured
38 home park or subdivision; or (d) in an existing manufactured
39 home park or subdivision upon which a manufactured home
40 has incurred "substantial damage" as the result of a flood,
41 shall be elevated such that the bottom of the frame is at or
42 above the elevation required, as applicable to the flood
43 hazard area, in the *Florida Building Code, Residential*
44 *Section R322.2 (Zone A) or Section R322.3 (Zone V).*
45

46 (2) *Elevation requirement for certain existing manufactured*
47 *home parks and subdivisions.* Manufactured homes that are

1 not subject to subsection (d)(1) above, including
2 manufactured homes that are placed, replaced, or
3 substantially improved on sites located in an existing
4 manufactured home park or subdivision, unless on a site
5 where substantial damage as result of flooding has occurred,
6 shall be elevated such that either the:

7
8 a. Bottom of the frame of the manufactured home is at
9 or above the elevation required, as applicable to the
10 flood hazard area, in the *Florida Building Code*,
11 *Residential* Section R322.2 (Zone A) or Section
12 R322.3 (Zone V); or

13
14 b. Bottom of the frame is supported by reinforced piers
15 or other foundation elements of at least equivalent
16 strength that are not less than fifty-four (54) inches in
17 height above grade.

18
19 (e) *Enclosures*. Enclosed areas below elevated manufactured
20 homes shall comply with the requirements of the *Florida Building Code*,
21 *Residential* Section R322.2 or R322.3 for such enclosed areas, as
22 applicable to the flood hazard area.

23
24 (f) *Utility equipment*. Utility equipment that serves
25 manufactured homes, including electric, heating, ventilation, plumbing,
26 and air conditioning equipment and other service facilities, shall comply
27 with the requirements of the *Florida Building Code*, *Residential* Section
28 R322, as applicable to the flood hazard area.

29
30 **Sec. 7-25. Recreational vehicles and park trailers.**

31
32 (a) *Temporary placement*. Recreational vehicles and park
33 trailers placed temporarily in flood hazard areas shall:

34
35 (1) Be on the site for fewer than one hundred and eighty (180)
36 consecutive days; or

37
38 (2) Be fully licensed and ready for highway use, which means
39 the recreational vehicle or park model is on wheels or
40 jacking system, is attached to the site only by quick-
41 disconnect type utilities and security devices, and has no
42 permanent attachments such as additions, rooms, stairs,
43 decks and porches.

44
45 (b) *Permanent placement*. Recreational vehicles and park
46 trailers that do not meet the limitations in subsection (a) above for

1 temporary placement shall meet the requirements of Section 7-24 of this
2 chapter for manufactured homes.

3
4 **Sec. 7-26. Tanks.**

5
6 (a) *Underground tanks.* Underground tanks in flood hazard
7 areas shall be anchored to prevent flotation, collapse or lateral movement
8 resulting from hydrodynamic and hydrostatic loads during conditions of the
9 design flood, including the effects of buoyancy assuming the tank is
10 empty.

11
12 (b) *Above-ground tanks, not elevated.* Above-ground tanks that
13 do not meet the elevation requirements of subsection (c) below shall:

14
15 (1) Be permitted in flood hazard areas (Zone A) other than
16 coastal high hazard areas, provided the tanks are anchored
17 or otherwise designed and constructed to prevent flotation,
18 collapse or lateral movement resulting from hydrodynamic
19 and hydrostatic loads during conditions of the design flood,
20 including the effects of buoyancy assuming the tank is empty
21 and the effects of flood-borne debris.

22
23 (2) Not be permitted in coastal high hazard areas (Zone V).

24
25 (c) *Above-ground tanks, elevated.* Above-ground tanks in flood
26 hazard areas shall be attached to and elevated to or above the design
27 flood elevation on a supporting structure that is designed to prevent
28 flotation, collapse or lateral movement during conditions of the design
29 flood. Tank-supporting structures shall meet the foundation requirements
30 of the applicable flood hazard area.

31
32 (d) *Tank inlets and vents.* Tank inlets, fill openings, outlets and
33 vents shall be:

34
35 (1) At or above the design flood elevation or fitted with covers
36 designed to prevent the inflow of floodwater or outflow of the
37 contents of the tanks during conditions of the design flood;
38 and

39
40 (2) Anchored to prevent lateral movement resulting from
41 hydrodynamic and hydrostatic loads, including the effects of
42 buoyancy, during conditions of the design flood.

43
44 **Sec. 7-27. Other development.**

45
46 (a) *General requirements for other development.* All
47 development, including man-made changes to improved or unimproved

1 real estate for which specific provisions are not specified in this ordinance
2 or the *Florida Building Code*, shall:

- 3
- 4 (1) Be located and constructed to minimize flood damage;
- 5
- 6 (2) Meet the limitations of Section 7-23(d) of this chapter if
7 located in a regulated floodway;
- 8
- 9 (3) Be anchored to prevent flotation, collapse or lateral
10 movement resulting from hydrostatic loads, including the
11 effects of buoyancy, during conditions of the design flood;
- 12
- 13 (4) Be constructed of flood damage-resistant materials; and
- 14
- 15 (5) Have mechanical, plumbing, and electrical systems above
16 the design flood elevation or meet the requirements of ASCE
17 24, except that minimum electric service required to address
18 life safety and electric code requirements is permitted below
19 the design flood elevation provided it conforms to the
20 provisions of the electrical part of building code for wet
21 locations.

22

23 (b) *Fences in regulated floodways.* Fences in regulated
24 floodways that have the potential to block the passage of floodwaters,
25 such as stockade fences and wire mesh fences, shall meet the limitations
26 of Section 7-23(d) of this ordinance.

27

28 (d) *Retaining walls, sidewalks and driveways in regulated*
29 *floodways.* Retaining walls and sidewalks and driveways that involve the
30 placement of fill in regulated floodways shall meet the limitations of section
31 7-23(d) of this chapter.

32

33 (e) *Roads and watercourse crossings in regulated floodways.*
34 Roads and watercourse crossings, including roads, bridges, culverts, low-
35 water crossings and similar means for vehicles or pedestrians to travel
36 from one side of a watercourse to the other side, that encroach into
37 regulated floodways shall meet the limitations of Section 7-23(d) of this
38 chapter. Alteration of a watercourse that is part of a road or watercourse
39 crossing shall meet the requirements of Section 7-5(c)(3) of this chapter.

40

41 (f) *Concrete slabs used as parking pads, enclosure floors,*
42 *landings, decks, walkways, patios and similar nonstructural uses in*
43 *coastal high hazard areas (Zone V).* In coastal high hazard areas,
44 concrete slabs used as parking pads, enclosure floors, landings, decks,
45 walkways, patios and similar nonstructural uses are permitted beneath or
46 adjacent to buildings and structures provided the concrete slabs are

1 designed and constructed to be:

- 2
- 3 (1) Structurally independent of the foundation system of the
- 4 building or structure;
- 5
- 6 (2) Frangible and not reinforced, so as to minimize debris during
- 7 flooding that is capable of causing significant damage to any
- 8 structure; and
- 9
- 10 (3) Have a maximum slab thickness of not more than four (4)
- 11 inches.
- 12

13 (g) *Decks and patios in coastal high hazard areas (Zone V)*. In

14 addition to the requirements of the *Florida Building Code*, in coastal high

15 hazard areas decks and patios shall be located, designed, and

16 constructed in compliance with the following:

17

- 18 (1) A deck that is structurally attached to a building or structure
- 19 shall have the bottom of the lowest horizontal structural
- 20 member at or above the design flood elevation and any
- 21 supporting members that extend below the design flood
- 22 elevation shall comply with the foundation requirements that
- 23 apply to the building or structure, which shall be designed to
- 24 accommodate any increased loads resulting from the
- 25 attached deck.
- 26
- 27 (2) A deck or patio that is located below the design flood
- 28 elevation shall be structurally independent from buildings or
- 29 structures and their foundation systems, and shall be
- 30 designed and constructed either to remain intact and in
- 31 place during design flood conditions or to break apart into
- 32 small pieces to minimize debris during flooding that is
- 33 capable of causing structural damage to the building or
- 34 structure or to adjacent buildings and structures.
- 35
- 36 (3) A deck or patio that has a vertical thickness of more than
- 37 twelve (12) inches or that is constructed with more than the
- 38 minimum amount of fill necessary for site drainage shall not
- 39 be approved unless an analysis prepared by a qualified
- 40 registered design professional demonstrates no harmful
- 41 diversion of floodwaters or wave run-up and wave reflection
- 42 that would increase damage to the building or structure or to
- 43 adjacent buildings and structures.
- 44
- 45 (4) A deck or patio that has a vertical thickness of twelve (12)
- 46 inches or less and that is at natural grade or on nonstructural

1 fill material that is similar to and compatible with local soils
2 and is the minimum amount necessary for site drainage may
3 be approved without requiring analysis of the impact on
4 diversion of floodwaters or wave run-up and wave reflection.

5
6 (h) *Other development in coastal high hazard areas (Zone V).* In
7 coastal high hazard areas, development activities other than buildings and
8 structures shall be permitted only if also authorized by the appropriate
9 federal, state or local authority; if located outside the footprint of, and not
10 structurally attached to, buildings and structures; and if analyses prepared
11 by qualified registered design professionals demonstrate no harmful
12 diversion of floodwaters or wave run-up and wave reflection that would
13 increase damage to adjacent buildings and structures. Such other
14 development activities include but are not limited to:

- 15
16 (1) Bulkheads, seawalls, retaining walls, revetments, and similar
17 erosion control structures;
18
19 (2) Solid fences and privacy walls, and fences prone to trapping
20 debris, unless designed and constructed to fail under flood
21 conditions less than the design flood or otherwise function to
22 avoid obstruction of floodwaters; and
23
24 (3) On-site sewage treatment and disposal systems defined in
25 64E-6.002, *Florida Administrative Code*, as filled systems or
26 mound systems.

27
28 (i) *Nonstructural fill in coastal high hazard areas (Zone V).* In
29 coastal high hazard areas:

- 30
31 (1) Minor grading and the placement of minor quantities of
32 nonstructural fill shall be permitted for landscaping and for
33 drainage purposes under and around buildings.
34
35 (2) Nonstructural fill with finished slopes that are steeper than
36 one unit vertical to five units horizontal shall be permitted
37 only if an analysis prepared by a qualified registered design
38 professional demonstrates no harmful diversion of
39 floodwaters or wave run-up and wave reflection that would
40 increase damage to adjacent buildings and structures.
41
42 (3) Where authorized by the Florida Department of
43 Environmental Protection or applicable local approval, sand
44 dune construction and restoration of sand dunes under or
45 around elevated buildings are permitted without additional
46 engineering analysis or certification of the diversion of

1 floodwater or wave run-up and wave reflection if the scale
2 and location of the dune work is consistent with local beach-
3 dune morphology and the vertical clearance is maintained
4 between the top of the sand dune and the lowest horizontal
5 structural member of the building.
6

7 **Section 3.** The *Florida Building Code, Building* is hereby amended by adopting
8 the following technical amendments (additional language is underlined):
9

10 **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a
11 structure whereby the cost of restoring the structure to its before-damaged
12 condition would equal or exceed 50 percent of the market value of the
13 structure before the damage occurred. The term also includes flood-
14 related damage sustained by a structure on two separate occasions
15 during a 10-year period for which the cost of repairs at the time of each
16 such flood event, on average, equals or exceeds 25 percent of the market
17 value of the structure before the damage occurred.
18

19 **SUBSTANTIAL IMPROVEMENT.** Any combination of repair,
20 reconstruction, rehabilitation, addition or improvement of a building or
21 structure taking place during a 10 year period, the cumulative cost of
22 which equals or exceeds 50 percent of the market value of the structure
23 before the improvement or repair is started. For each building or structure
24 the 10 year period begins on the date of the first permit issued for
25 improvement or repair of that building or structure subsequent to June 1,
26 1993. If the structure has sustained substantial damage, any repairs are
27 considered substantial improvement regardless of the actual repair work
28 performed. The term does not, however, include either:
29

- 30 1. Any project for improvement of a building required to correct
31 existing health, sanitary or safety code violations identified
32 by the building official and that are the minimum necessary
33 to assure safe living conditions.
34
- 35 2. Any alteration of a historic structure provided that the
36 alteration will not preclude the structure's continued
37 designation as a historic structure.
38

39 **1612.4.1 Elevation requirements.** The minimum elevation requirements
40 shall be as specified in ASCE 24 or the base flood elevation plus eighteen
41 inches (18"), whichever is higher.
42

43 **Section 4.** The *Florida Building Code, Existing Building* is hereby amended by
44 adopting the following technical amendments (additional language is underlined):
45

46 **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a

1 structure whereby the cost of restoring the structure to its before-damaged
2 condition would equal or exceed 50 percent of the market value of the
3 structure before the damage occurred. The term also includes flood-
4 related damage sustained by a structure on two separate occasions
5 during a 10-year period for which the cost of repairs at the time of each
6 such flood event, on average, equals or exceeds 25 percent of the market
7 value of the structure before the damage occurred.

8
9 **SUBSTANTIAL IMPROVEMENT.** Any combination of repair,
10 reconstruction, rehabilitation, addition or improvement of a building or
11 structure taking place during a 10 year period, the cumulative cost of
12 which equals or exceeds 50 percent of the market value of the structure
13 before the improvement or repair is started. For each building or structure
14 the 10 year period begins on the date of the first permit issued for
15 improvement or repair of that building or structure subsequent to June 1,
16 1993. If the structure has sustained substantial damage, any repairs are
17 considered substantial improvement regardless of the actual repair work
18 performed. The term does not, however, include either:

- 19
20 1. Any project for improvement of a building required to correct
21 existing health, sanitary or safety code violations identified
22 by the building official and that are the minimum necessary
23 to assure safe living conditions.
- 24
25 2. Any alteration of a historic structure provided that the
26 alteration will not preclude the structure's continued
27 designation as a historic structure.

28
29 **Section 5.** The *Florida Building Code, Residential*, is hereby amended by
30 adopting the following technical amendments (additional language is underlined and
31 deleted language is ~~stricken through~~):

32
33 **R322.2.1 Elevation requirements.**

- 34
35 1. Buildings and structures in flood hazard areas not
36 designated as Coastal A zones shall have the lowest floors
37 elevated to or above the base flood elevation plus eighteen
38 inches (18") or the design flood elevation, whichever is
39 higher.
- 40
41 2. Buildings and structures in flood hazard areas designated as
42 Coastal A Zones shall have the lowest floors elevated to or
43 above the base flood elevation plus eighteen inches (18")
44 4 feet (305mm), or to the design flood elevation, whichever is
45 higher.

- 1 3. In areas of shallow flooding (AO Zones), buildings and
2 structures shall have the lowest floor (including basement)
3 elevated at least as high above the highest adjacent grade
4 as the depth number specified in feet on the FIRM plus
5 eighteen inches (18"), or at least three feet six inches (3'6")
6 feet (610mm) if a depth number is not specified.
7
- 8 4. Basement floors that are below grade on all sides shall be
9 elevated to or above the base flood elevation plus eighteen
10 inches (18") or the design flood elevation, whichever is
11 higher.

12 **Exception:** Enclosed areas below the design flood elevation, including
13 basements whose floors are not below grade on all sides, shall meet the
14 requirements of Section R322.2.2.

15
16
17 **R322.3.2. Elevation requirements.**

- 18
19 1. All buildings and structures erected within coastal high-
20 hazard areas shall be elevated so that the lowest portion of
21 all structural members supporting the lowest floor, with the
22 exception of piling, pile caps, columns, grade beams and
23 bracing, is elevated to or above the base flood elevation plus
24 eighteen inches (18") or the design flood elevation,
25 whichever is higher.
- 26
27 2. Basement floors that are below grade on all sides are
28 prohibited.
- 29
30 3. The use of fill for structural support is prohibited.
- 31
32 4. Minor grading, and the placement of minor quantities of fill,
33 shall be permitted for landscaping and for drainage purposes
34 under and around buildings and for support of parking slabs,
35 pool decks, patios and walkways.

36
37 **Exception:** Walls and partitions enclosing areas below the design flood
38 elevation shall meet the requirements of Sections R322.2.4 and R322.3.5.

39
40 **Section 6.** For the purposes of jurisdictional applicability, this ordinance shall
41 apply within the corporate limits of the Town of Juno Beach. This ordinance shall apply
42 to all applications for development, including building permit applications and
43 subdivision proposals, submitted on or after the effective date of this ordinance.

44
45 **Section 7.** The provisions of this Ordinance shall become and be made a part
46 of the Code of Ordinances of the Town of Juno Beach, Florida.

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Section 8. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the Ordinance.

Section 9. All Ordinances and Resolutions or parts of Ordinances or Resolutions directly in conflict with this Ordinance are hereby repealed only to the extent of such conflict.

Section 10. This Ordinance shall be effective immediately upon adoption.

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FIRST READING this _____ day of _____, 2016.

SECOND, FINAL READING AND ADOPTION this _____ day of _____, 2016.

AYE

NAY

JASON HASELKORN, MAYOR

AYE

NAY

JIM LYONS, VICE MAYOR

AYE

NAY

FRANK FAHY, VICE MAYOR PRO TEM

AYE

NAY

ELLEN ANDEL, COUNCILMEMBER

AYE

NAY

BILL GREENE, COUNCILMEMBER

ATTEST:

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

VANESSA MUTCHNIK, MMC
TOWN CLERK

LEONARD G. RUBIN
TOWN ATTORNEY