
MEMORANDUM

TO: Members of the Planning and Zoning Board

FROM: Leonard G. Rubin, Town Attorney

RE: Recommendation to Town Council for Ordinance No. 687 (Adoption of New Floodplain Management Regulations)

DATE: June 21, 2016

CC: 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.

Recommendation:

Town Staff recommends that the Planning and Zoning Board recommend that the Town Council approve 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

WHEREAS, the Town Council adopted regulations to require: (1) buildings that sustain repetitive flood damage over a ten (10) year period to be included in the definition

1 of "substantial damage;" and (2) accumulation of costs of improvements and repairs to
2 buildings, based on the issued building permits, over a ten (10) year period; and
3

4 **WHEREAS**, the Town Council has determined that it is in the public interest to
5 adopt the proposed floodplain management regulations that are coordinated with the
6 *Florida Building Code*.
7

8 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Juno
9 Beach that the following floodplain management regulations, and the following local
10 administrative amendments to the *Florida Building Code*, are hereby adopted.
11

12 **Section 1.** The foregoing "whereas" clauses are ratified as true and correct and
13 are incorporated herein by reference.
14

15 **Section 2.** The Town Council hereby repeals Article III, "Flood Damage
16 Protection," of Chapter 6, "Buildings and Building Regulations," of the Town Code of
17 Ordinances in its entirety and simultaneously adopts a new Chapter 7, "Floodplain
18 Regulations," to read as follows:
19

20 **Chapter 7**

21 **FLOODPLAIN REGULATIONS**

22 **ARTICLE I. ADMINISTRATION**

23 **Sec. 7-1. General provisions.**

24 (a) *Title.* This chapter shall be known as the *Floodplain*
25 *Management Ordinance of the Town of Juno Beach*, hereinafter referred to
26 as "this ordinance" or "this chapter."
27

28 (b) *Scope.* The provisions of this ordinance shall apply to all
29 development that is wholly within or partially within any flood hazard area,
30 including but not limited to the subdivision of land; filling, grading, and other
31 site improvements and utility installations; construction, alteration, remodeling,
32 enlargement, improvement, replacement, repair, relocation or demolition of
33 buildings, structures, and facilities that are exempt from the *Florida Building*
34 *Code*; placement, installation, or replacement of manufactured homes and
35 manufactured buildings; installation or replacement of tanks; placement of
36 recreational vehicles; installation of swimming pools; and any other
37 development.
38

39 (c) *Intent.* The purposes of this ordinance and the flood load and
40 flood resistant construction requirements of the *Florida Building Code* are
41 to establish minimum requirements to safeguard the public health, safety,
42 and general welfare and to minimize public and private losses due to
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1 flooding through regulation of development in flood hazard areas to:

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

30

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

35

36 (f) *Warning.* The degree of flood protection required by this
37 ordinance and the *Florida Building Code*, as amended by the town, is
38 considered the minimum reasonable for regulatory purposes and is based on
39 scientific and engineering considerations. Larger floods can and will occur.
40 Flood heights may be increased by man-made or natural causes. This
41 ordinance does not imply that land outside of mapped special flood hazard
42 areas, or that uses permitted within such flood hazard areas, will be free from
43 flooding or flood damage. The flood hazard areas and base flood elevations
44 contained in the Flood Insurance Study and shown on Flood Insurance Rate
45 Maps and the requirements of Title 44 Code of Federal Regulations,
46 Sections 59 and 60 may be revised by the Federal Emergency Management

1 Agency, requiring the town to revise these regulations to remain eligible for
2 participation in the National Flood Insurance Program. No guaranty of
3 vested use, existing use, or future use is implied or expressed by
4 compliance with this ordinance.

5
6 (f) *Disclaimer of Liability.* This ordinance shall not create liability
7 on the part of the town or by any officer or employee thereof for any flood
8 damage that results from reliance on this ordinance or any administrative
9 decision lawfully made thereunder.

10
11 **Sec. 7-2. Applicability.**

12
13 (a) *In general.* Where there is a conflict between a general
14 requirement and a specific requirement, the specific requirement shall be
15 applicable.

16
17 (b) *Areas to which this ordinance applies.* This ordinance shall
18 apply to all flood hazard areas within the Town of Juno Beach, as
19 established in subsection 7-2(c) below.

20
21 (c) *Basis for establishing flood hazard areas.* The Flood
22 Insurance Study and Wave Height Analysis for the Town of Juno Beach,
23 Florida, Palm Beach County dated March 31, 1982, and all subsequent
24 amendments and revisions, and the accompanying Flood Insurance Rate
25 Maps (FIRM), and all subsequent amendments and revisions to such maps,
26 are adopted by reference as a part of this ordinance and shall serve as the
27 minimum basis for establishing flood hazard areas. Studies and maps that
28 establish flood hazard areas are on file at the Town Center.

29
30 (d) *Submission of additional data to establish flood hazard areas.*
31 To establish flood hazard areas and base flood elevations, pursuant to
32 Section 7-5 of this chapter, the Floodplain Administrator may require
33 submission of additional data. Where field surveyed topography prepared
34 by a Florida licensed professional surveyor or digital topography accepted
35 by the town indicates that ground elevations:

36
37 (1) Are below the closest applicable base flood elevation, even in
38 areas not delineated as a special flood hazard area on a
39 FIRM, the area shall be considered as flood hazard area and
40 subject to the requirements of this ordinance and, as
41 applicable, the requirements of the *Florida Building Code*.

42
43 (2) Are above the closest applicable base flood elevation, the
44 area shall be regulated as special flood hazard area unless
45 the applicant obtains a Letter of Map Change that removes
46 the area from the special flood hazard area.

1
2 (e) *Other laws.* The provisions of this ordinance shall not be
3 deemed to nullify any provisions of local, state or federal law.

4
5 (f) *Abrogation and greater restrictions.* This ordinance
6 supersedes any ordinance in effect for management of development in flood
7 hazard areas. However, it is not intended to repeal or abrogate any existing
8 ordinances including but not limited to land development regulations, zoning
9 ordinances, stormwater management regulations, or the *Florida Building*
10 *Code*. In the event of a conflict between this ordinance and any other
11 ordinance, the more restrictive shall govern. This ordinance shall not impair
12 any deed restriction, covenant or easement, but any land that is subject to
13 such interests shall also be governed by this ordinance.

14
15 (g) *Interpretation.* In the interpretation and application of this
16 ordinance, all provisions shall be:

- 17
18 (1) Considered as minimum requirements;
19
20 (2) Liberally construed in favor of the governing body; and
21
22 (3) Deemed neither to limit nor repeal any other powers granted
23 under state statutes.

24
25 **Sec. 7-3. Duties and powers of the floodplain administrator.**

26
27 (a) *Designation.* The planning and zoning director is designated
28 as the Floodplain Administrator. The Floodplain Administrator may delegate
29 performance of certain duties to other employees.

30
31 (b) *General.* The Floodplain Administrator is authorized and
32 directed to administer and enforce the provisions of this ordinance. The
33 Floodplain Administrator shall have the authority to render interpretations of
34 this ordinance consistent with the intent and purpose of this ordinance and
35 may establish policies and procedures in order to clarify the application of
36 its provisions. Such interpretations, policies, and procedures shall not have
37 the effect of waiving requirements specifically provided in this ordinance
38 without the granting of a variance pursuant to Section 7-7 of this chapter.

39
40 (c) *Applications and permits.* The Floodplain Administrator, in
41 coordination with other pertinent offices of the town, shall:

- 42
43 (1) Review applications and plans to determine whether
44 proposed new development will be located in flood hazard
45 areas;

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

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- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires: for proposed work to repair damage caused by flooding, evaluation of previous permits issued to repair flood-related damage as specified in the definition of "substantial damage"; and evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

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

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

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

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

- (1) Establish, in coordination with the Building Official, procedures for administering and documenting

1 determinations of substantial improvement and substantial
2 damage made pursuant to subsection (d) above;

3
4 (2) Require that applicants proposing alteration of a watercourse
5 notify adjacent communities and the Florida Division of
6 Emergency Management, State Floodplain Management
7 Office, and submit copies of such notifications to the Federal
8 Emergency Management Agency (FEMA);

9
10 (3) Require applicants who submit hydrologic and hydraulic
11 engineering analyses to support permit applications to submit
12 to FEMA the data and information necessary to maintain the
13 Flood Insurance Rate Maps if the analyses propose to change
14 base flood elevations, flood hazard area boundaries, or
15 floodway designations; such submissions shall be made
16 within 6 months of such data becoming available;

17
18 (4) Review required design certifications and documentation of
19 elevations specified by this ordinance and the *Florida Building*
20 *Code* to determine that such certifications and
21 documentations are complete;

22
23 (5) Notify the Federal Emergency Management Agency when the
24 corporate boundaries of the town are modified; and

25
26 (6) Advise applicants for new buildings and structures, including
27 substantial improvements, that are located in any unit of the
28 Coastal Barrier Resources System established by the Coastal
29 Barrier Resources Act (Pub. L. 97-348) and the Coastal
30 Barrier Improvement Act of 1990 (Pub. L. 101-591) that
31 federal flood insurance is not available on such construction;
32 areas subject to this limitation are identified on Flood
33 Insurance Rate Maps as "Coastal Barrier Resource System
34 Areas" and "Otherwise Protected Areas."

35
36 (i) *Floodplain management records.* Regardless of any limitation
37 on the period required for retention of public records, the Floodplain
38 Administrator shall maintain and permanently keep and make available for
39 public inspection all records that are necessary for the administration of this
40 ordinance and the flood resistant construction requirements of the *Florida*
41 *Building Code*, including Flood Insurance Rate Maps; Letters of Map
42 Change; records of issuance of permits and denial of permits;
43 determinations of whether proposed work constitutes substantial
44 improvement or repair of substantial damage; required design certifications
45 and documentation of elevations specified by the *Florida Building Code* and
46 this ordinance; notifications to adjacent communities, FEMA, and the state

1 related to alterations of watercourses; assurances that the flood carrying
2 capacity of altered watercourses will be maintained; documentation related
3 to appeals and variances, including justification for issuance or denial; and
4 records of enforcement actions taken pursuant to this ordinance and the
5 flood resistant construction requirements of the *Florida Building Code*.
6 These records shall be available for public inspection at the Town Center.
7

8 **Sec. 7-4. Permits.**
9

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

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

29 (c) *Buildings, structures and facilities exempt from the Florida*
30 *Building Code.* Pursuant to the requirements of federal regulation for
31 participation in the National Flood Insurance Program (44 C.F.R. Sections
32 59 and 60), floodplain development permits or approvals shall be required
33 for the following buildings, structures and facilities that are exempt from the
34 *Florida Building Code* and any further exemptions provided by law, which
35 are subject to the requirements of this ordinance:
36

- 37 (1) Railroads and ancillary facilities associated with the railroad.
38
39 (2) Nonresidential farm buildings on farms, as provided in section
40 604.50, *Florida Statutes*.
41
42 (3) Temporary buildings or sheds used exclusively for
43 construction purposes.
44
45 (4) Mobile or modular structures used as temporary offices.
46

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

1
2 (7) Give such other data and information as required by the
3 Floodplain Administrator.
4

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

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

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

27 (h) *Other permits required.* Floodplain development permits and
28 building permits shall include a condition that all other applicable state or
29 federal permits be obtained before commencement of the permitted
30 development, including but not limited to the following:
31

32 (1) The South Florida Water Management District; section
33 373.036, *Florida Statutes*.
34

35 (2) Florida Department of Health for onsite sewage treatment and
36 disposal systems; section 381.0065, *Florida Statutes*, and
37 Chapter 64E-6, *Florida Administrative Code*.
38

39 (3) Florida Department of Environmental Protection for
40 construction, reconstruction, changes, or physical activities
41 for shore protection or other activities seaward of the coastal
42 construction control line; section 161.141, *Florida Statutes*.
43

44 (4) Florida Department of Environmental Protection for activities
45 subject to the Joint Coastal Permit; section 161.055, *Florida*
46 *Statutes*.

1
2 (5) Florida Department of Environmental Protection for activities
3 that affect wetlands and alter surface water flows, in
4 conjunction with the U.S. Army Corps of Engineers; Section
5 404 of the Clean Water Act.

6
7 (6) Federal permits and approvals.

8
9 **Sec. 7-5.Site plans and construction documents.**

10
11 (a) *Information for development in flood hazard areas.* The site
12 plan or construction documents for any development subject to the
13 requirements of this ordinance shall be drawn to scale and shall include, as
14 applicable to the proposed development:

15
16 (1) Delineation of flood hazard areas, floodway boundaries and
17 flood zone(s), base flood elevation(s), and ground elevations
18 if necessary for review of the proposed development.

19
20 (2) Where base flood elevations or floodway data are not
21 included on the FIRM or in the Flood Insurance Study, they
22 shall be established in accordance with subsection 7-5(b)(2)
23 or (b)(3) below.

24
25 (3) Where the parcel on which the proposed development will
26 take place will have more than fifty (50) lots or is larger than
27 five (5) acres and the base flood elevations are not included
28 on the FIRM or in the Flood Insurance Study, such elevations
29 shall be established in accordance with subsection 7-5(b)(1)
30 below.

31
32 (4) Location of the proposed activity and proposed structures,
33 and locations of existing buildings and structures; in coastal
34 high hazard areas, new buildings shall be located landward of
35 the reach of mean high tide.

36
37 (5) Location, extent, amount, and proposed final grades of any
38 filling, grading, or excavation.

39
40 (6) Where the placement of fill is proposed, the amount, type, and
41 source of fill material; compaction specifications; a description
42 of the intended purpose of the fill areas; and evidence that the
43 proposed fill areas are the minimum necessary to achieve the
44 intended purpose.

45
46 (7) Delineation of the Coastal Construction Control Line or

1 notation that the site is seaward of the coastal construction
2 control line, if applicable.

3
4 (8) Extent of any proposed alteration of sand dunes or mangrove
5 stands, provided such alteration is approved by the Florida
6 Department of Environmental Protection.

7
8 (9) Existing and proposed alignment of any proposed alteration
9 of a watercourse.

10
11 The Floodplain Administrator is authorized to waive the submission of site
12 plans, construction documents, and other data that are required by this
13 ordinance but that are not required to be prepared by a registered design
14 professional if it is found that the nature of the proposed development is
15 such that the review of such submissions is not necessary to ascertain
16 compliance with this ordinance.

17
18 (b) *Information in flood hazard areas without base flood*
19 *elevations (approximate Zone A).* Where flood hazard areas are delineated
20 on the FIRM and base flood elevation data have not been provided, the
21 Floodplain Administrator shall:

22
23 (1) Require the applicant to include base flood elevation data
24 prepared in accordance with currently accepted engineering
25 practices.

26
27 (2) Obtain, review, and provide to applicants base flood elevation
28 and floodway data available from a federal or state agency or
29 other source or require the applicant to obtain and use base
30 flood elevation and floodway data available from a federal or
31 state agency or other source.

32
33 (3) Where base flood elevation and floodway data are not
34 available from another source, where the available data are
35 deemed by the Floodplain Administrator to not reasonably
36 reflect flooding conditions, or where the available data are
37 known to be scientifically or technically incorrect or otherwise
38 inadequate:

39
40 a. Require the applicant to include base flood elevation
41 data prepared in accordance with currently accepted
42 engineering practices; or

43
44 b. Specify that the base flood elevation is two (2) feet
45 above the highest adjacent grade at the location of the
46 development, provided there is no evidence indicating

1 flood depths have been or may be greater than two (2)
2 feet.

- 3
4 (4) Where the base flood elevation data are to be used to support
5 a Letter of Map Change from FEMA, advise the applicant that
6 the analyses shall be prepared by a Florida licensed engineer
7 in a format required by FEMA, and that it shall be the
8 responsibility of the applicant to satisfy the submittal
9 requirements and pay the processing fees.

10
11 (c) *Additional analyses and certifications.* As applicable to the
12 location and nature of the proposed development activity, and in addition to
13 the requirements of this section, the applicant shall have the following
14 analyses signed and sealed by a Florida licensed engineer for submission
15 with the site plan and construction documents:

- 16
17 (1) For development activities proposed to be located in a
18 regulatory floodway, a floodway encroachment analysis that
19 demonstrates that the encroachment of the proposed
20 development will not cause any increase in base flood
21 elevations; where the applicant proposes to undertake
22 development activities that do increase base flood elevations,
23 the applicant shall submit such analysis to FEMA as specified
24 in subsection 7-5(d) below and shall submit the Conditional
25 Letter of Map Revision, if issued by FEMA, with the site plan
26 and construction documents.

- 27
28 (2) For development activities proposed to be located in a riverine
29 flood hazard area for which base flood elevations are included
30 in the Flood Insurance Study or on the FIRM and floodways
31 have not been designated, hydrologic and hydraulic analyses
32 that demonstrate that the cumulative effect of the proposed
33 development, when combined with all other existing and
34 anticipated flood hazard area encroachments, will not
35 increase the base flood elevation more than one (1) foot at
36 any point within the town. This requirement does not apply in
37 isolated flood hazard areas not connected to a riverine flood
38 hazard area or in flood hazard areas identified as Zone AO or
39 Zone AH.

- 40
41 (3) For alteration of a watercourse, an engineering analysis
42 prepared in accordance with standard engineering practices
43 which demonstrates that the flood-carrying capacity of the
44 altered or relocated portion of the watercourse will not be
45 decreased, and certification that the altered watercourse shall
46 be maintained in a manner which preserves the channel's

1 flood-carrying capacity; the applicant shall submit the analysis
2 to FEMA as specified in subsection 7-5(d) below.

- 3
4 (4) For activities that propose to alter sand dunes or mangrove
5 stands in coastal high hazard areas (Zone V), an engineering
6 analysis that demonstrates that the proposed alteration will
7 not increase the potential for flood damage.

8
9 (d) *Submission of additional data.* When additional hydrologic,
10 hydraulic or other engineering data, studies, and additional analyses are
11 submitted to support an application, the applicant has the right to seek a
12 Letter of Map Change from FEMA to change the base flood elevations,
13 change floodway boundaries, or change boundaries of flood hazard areas
14 shown on FIRMs, and to submit such data to FEMA for such purposes. The
15 analyses shall be prepared by a Florida licensed engineer in a format
16 required by FEMA. Submittal requirements and processing fees shall be the
17 responsibility of the applicant.

18
19 **Sec. 7-6. Inspections.**

20
21 (a) *In general.* Development for which a floodplain development
22 permit or approval is required shall be subject to inspection.

23
24 (b) *Development other than buildings and structures.* The
25 Floodplain Administrator shall inspect all development to determine
26 compliance with the requirements of this ordinance and the conditions of
27 issued floodplain development permits or approvals.

28
29 (c) *Buildings, structures and facilities exempt from the Florida*
30 *Building Code.* The Floodplain Administrator shall inspect buildings,
31 structures and facilities exempt from the *Florida Building Code* to determine
32 compliance with the requirements of this ordinance and the conditions of
33 issued floodplain development permits or approvals.

- 34
35 (1) *Buildings, structures and facilities exempt from the Florida*
36 *Building Code, lowest floor inspection.* Upon placement of the
37 lowest floor, including basement, and prior to further vertical
38 construction, the owner of a building, structure or facility
39 exempt from the *Florida Building Code*, or the owner's
40 authorized agent, shall submit to the Floodplain Administrator:

- 41
42 a. If a design flood elevation was used to determine the
43 required elevation of the lowest floor, the certification
44 of elevation of the lowest floor prepared and sealed by
45 a Florida licensed professional surveyor; or
46

1 b. If the elevation used to determine the required
2 elevation of the lowest floor was determined in
3 accordance with Section 7-5(b)(3)b of this ordinance,
4 the documentation of height of the lowest floor above
5 highest adjacent grade, prepared by the owner or the
6 owner's authorized agent.

7
8 (2) *Buildings, structures and facilities exempt from the Florida*
9 *Building Code, final inspection.* As part of the final inspection,
10 the owner or owner's authorized agent shall submit to the
11 Floodplain Administrator a final certification of elevation of the
12 lowest floor or final documentation of the height of the lowest
13 floor above the highest adjacent grade; such certifications and
14 documentations shall be prepared as specified in subsection
15 (c)(1) above.

16
17 (d) *Manufactured homes.* The Floodplain Administrator shall
18 inspect manufactured homes that are installed or replaced in flood hazard
19 areas to determine compliance with the requirements of this ordinance and
20 the conditions of the issued permit. Upon placement of a manufactured
21 home, certification of the elevation of the lowest floor shall be submitted to
22 the Floodplain Administrator.

23
24 **Sec. 7-7.Variances and appeals.**

25
26 (a) *In General.* The zoning board of adjustment and appeals shall
27 hear and decide on requests for appeals and requests for variances from
28 the strict application of this ordinance. Pursuant to section 553.73(5),
29 *Florida Statutes*, the zoning board of adjustment and appeals shall hear and
30 decide on requests for appeals and requests for variances from the strict
31 application of the flood resistant construction requirements of the *Florida*
32 *Building Code*. This section does not apply to Section 3109 of the *Florida*
33 *Building Code, Building*.

34
35 (b) The zoning board of adjustment and appeals shall hear and
36 decide appeals when it is alleged there is an error in any requirement,
37 decision, or determination made by the Floodplain Administrator in the
38 administration and enforcement of this ordinance. Any person aggrieved
39 by the decision may appeal such decision to the Circuit Court, as provided
40 by *Florida Statutes*.

41
42 (c) *Limitations on authority to grant variances.* The zoning board
43 of adjustment and appeals shall base its decisions on variances on
44 technical justifications submitted by applicants, the considerations for
45 issuance in subsection (g) below, the conditions of issuance set forth in
46 subsection (h) below, and the comments and recommendations of the

1 Floodplain Administrator and the Building Official. The zoning board of
2 adjustment and appeals has the right to attach such conditions as it deems
3 necessary to further the purposes and objectives of this ordinance.

4
5 (d) *Restrictions in floodways.* A variance shall not be issued for
6 any proposed development in a floodway if any increase in base flood
7 elevations would result, as evidenced by the applicable analyses and
8 certifications required in Section 7-5(c) of this chapter.

9
10 (e) *Historic buildings.* A variance is authorized to be issued for
11 the repair, improvement, or rehabilitation of a historic building that is
12 determined eligible for the exception to the flood resistant construction
13 requirements of the *Florida Building Code, Existing Building*, Chapter 11
14 Historic Buildings, upon a determination that the proposed repair,
15 improvement, or rehabilitation will not preclude the building's continued
16 designation as a historic building and the variance is the minimum
17 necessary to preserve the historic character and design of the building. If
18 the proposed work precludes the building's continued designation as a
19 historic building, a variance shall not be granted and the building and any
20 repair, improvement, and rehabilitation shall be subject to the requirements
21 of the *Florida Building Code*.

22
23 (f) *Functionally dependent uses.* A variance is authorized to be
24 issued for the construction or substantial improvement necessary for the
25 conduct of a functionally dependent use, as defined in this ordinance,
26 provided the variance meets the requirements of subsection (d) above, is
27 the minimum necessary considering the flood hazard, and all due
28 consideration has been given to use of methods and materials that minimize
29 flood damage during occurrence of the base flood.

30
31 (g) *Considerations for issuance of variances.* In reviewing
32 requests for variances, the zoning board of adjustment and appeals shall
33 consider all technical evaluations, all relevant factors, all other applicable
34 provisions of the *Florida Building Code*, this ordinance, and the following:

- 35
36 (1) The danger that materials and debris may be swept onto other
37 lands resulting in further injury or damage;
- 38
39 (2) The danger to life and property due to flooding or erosion
40 damage;
- 41
42 (3) The susceptibility of the proposed development, including
43 contents, to flood damage and the effect of such damage on
44 current and future owners;
- 45

- 1 (4) The importance of the services provided by the proposed
2 development to the town;
- 3
- 4 (5) The availability of alternate locations for the proposed
5 development that are subject to lower risk of flooding or
6 erosion;
- 7
- 8 (6) The compatibility of the proposed development with existing
9 and anticipated development;
- 10
- 11 (7) The relationship of the proposed development to the
12 comprehensive plan and floodplain management program for
13 the area;
- 14
- 15 (8) The safety of access to the property in times of flooding for
16 ordinary and emergency vehicles;
- 17
- 18 (9) The expected heights, velocity, duration, rate of rise and
19 debris and sediment transport of the floodwaters and the
20 effects of wave action, if applicable, expected at the site; and
- 21
- 22 (10) The costs of providing governmental services during and after
23 flood conditions including maintenance and repair of public
24 utilities and facilities such as sewer, gas, electrical and water
25 systems, streets and bridges.
- 26
- 27 (h) *Conditions for issuance of variances.* Variances shall be
28 issued only upon:
- 29
- 30 (1) Submission by the applicant, of a showing of good and
31 sufficient cause that the unique characteristics of the size,
32 configuration, or topography of the site limit compliance with
33 any provision of this ordinance or the required elevation
34 standards;
- 35
- 36 (2) Determination by the zoning board of adjustment and appeals
37 that:
38
- 39 a. Failure to grant the variance would result in exceptional
40 hardship due to the physical characteristics of the land
41 that render the lot undevelopable; increased costs to
42 satisfy the requirements or inconvenience do not
43 constitute hardship;
- 44
- 45 b. The granting of a variance will not result in increased
46 flood heights, additional threats to public safety,

1 extraordinary public expense, nor create nuisances,
2 cause fraud on or victimization of the public or conflict
3 with existing local laws and ordinances; and

4
5 c. The variance is the minimum necessary, considering
6 the flood hazard, to afford relief;

7
8 (3) Receipt of a signed statement by the applicant that the
9 variance, if granted, shall be recorded in the Office of the Clerk
10 of the Court in such a manner that it appears in the chain of
11 title of the affected parcel of land; and

12
13 (4) If the request is for a variance to allow construction of the
14 lowest floor of a new building, or substantial improvement of
15 a building, below the required elevation, a copy in the record
16 of a written notice from the Floodplain Administrator to the
17 applicant for the variance, specifying the difference between
18 the base flood elevation and the proposed elevation of the
19 lowest floor, stating that the cost of federal flood insurance will
20 be commensurate with the increased risk resulting from the
21 reduced floor elevation (up to amounts as high as \$25 for
22 \$100 of insurance coverage), and stating that construction
23 below the base flood elevation increases risks to life and
24 property.

25
26 **Sec. 7-8. Violations.**

27
28 (a) *Violations.* Any development that is not within the scope of the
29 *Florida Building Code* but that is regulated by this ordinance that is
30 performed without an issued permit, that is in conflict with an issued permit,
31 or that does not fully comply with this ordinance, shall be deemed a violation
32 of this ordinance. A building or structure without the documentation of
33 elevation of the lowest floor, other required design certifications, or other
34 evidence of compliance required by this ordinance or the *Florida Building*
35 *Code* is presumed to be a violation until such time as that documentation is
36 provided.

37
38 (b) *Authority.* For development that is not within the scope of the
39 *Florida Building Code* but that is regulated by this ordinance and that is
40 determined to be a violation, the Floodplain Administrator is authorized to
41 serve notices of violation or stop work orders to owners of the property
42 involved, to the owner's agent, or to the person or persons performing the
43 work.

44
45 (c) *Unlawful continuance.* Any person who shall continue any
46 work after having been served with a notice of violation or a stop work order,

1 ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

2
3 *Coastal construction control line.* The line established by the State of
4 Florida pursuant to section 161.053, *Florida Statutes*, and recorded in the
5 official records of the town, which defines that portion of the beach-dune
6 system subject to severe fluctuations based on a 100-year storm surge,
7 storm waves or other predictable weather conditions.

8
9 *Coastal high hazard area.* A special flood hazard area extending
10 from offshore to the inland limit of a primary frontal dune along an open
11 coast and any other area subject to high velocity wave action from storms
12 or seismic sources. Coastal high hazard areas are also referred to as “high
13 hazard areas subject to high velocity wave action” or “V Zones” and are
14 designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or
15 V.

16
17 *Design flood.* The flood associated with the greater of the following
18 two areas: [Also defined in FBC, B, Section 1612.2.]

- 19
20 (1) Area with a floodplain subject to a 1-percent or greater chance
21 of flooding in any year; or
22
23 (2) Area designated as a flood hazard area on the town’s flood
24 hazard map, or otherwise legally designated.

25
26 *Design flood elevation.* The elevation of the “design flood,” including
27 wave height, relative to the datum specified on the town’s legally designated
28 flood hazard map. In areas designated as Zone AO, the design flood
29 elevation shall be the elevation of the highest existing grade of the building’s
30 perimeter plus the depth number (in feet) specified on the flood hazard map.
31 In areas designated as Zone AO where the depth number is not specified
32 on the map, the depth number shall be taken as being equal to 2 feet. [Also
33 defined in FBC, B, Section 1612.2.]

34
35 *Development.* Any man-made change to improved or unimproved
36 real estate, including but not limited to, buildings or other structures, tanks,
37 temporary structures, temporary or permanent storage of equipment or
38 materials, mining, dredging, filling, grading, paving, excavations, drilling
39 operations or any other land disturbing activities.

40
41 *Encroachment.* The placement of fill, excavation, buildings,
42 permanent structures or other development into a flood hazard area which
43 may impede or alter the flow capacity of riverine flood hazard areas.
44

1 *Existing building and existing structure.* Any buildings and structures
2 for which the "start of construction" commenced before December 1, 1978.
3 [Also defined in FBC, B, Section 1612.2.]
4

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

12 *Expansion to an existing manufactured home park or subdivision.*
13 The preparation of additional sites by the construction of facilities for
14 servicing the lots on which the manufactured homes are to be affixed
15 (including the installation of utilities, the construction of streets, and either
16 final site grading or the pouring of concrete pads).
17

18 *Federal Emergency Management Agency (FEMA).* The federal
19 agency that, in addition to carrying out other functions, administers the
20 National Flood Insurance Program.
21

22 *Flood or flooding.* A general and temporary condition of partial or
23 complete inundation of normally dry land from: [Also defined in FBC, B,
24 Section 1612.2.]
25

- 26 (1) The overflow of inland or tidal waters.
27
28 (2) The unusual and rapid accumulation or runoff of surface
29 waters from any source.
30

31 *Flood damage-resistant materials.* Any construction material capable
32 of withstanding direct and prolonged contact with floodwaters without
33 sustaining any damage that requires more than cosmetic repair. [Also
34 defined in FBC, B, Section 1612.2.]
35

36 *Flood hazard area.* The greater of the following two areas:[Also
37 defined in FBC, B, Section 1612.2.]
38

- 39 (1) The area within a floodplain subject to a 1-percent or greater
40 chance of flooding in any year.
41
42 (2) The area designated as a flood hazard area on the town's
43 flood hazard map, or otherwise legally designated.
44

45 *Flood Insurance Rate Map (FIRM).* The official map of the town on
46 which the Federal Emergency Management Agency has delineated both

1 special flood hazard areas and the risk premium zones applicable to the
2 town. [Also defined in FBC, B, Section 1612.2.]

3
4 *Flood Insurance Study (FIS).* The official report provided by the
5 Federal Emergency Management Agency that contains the Flood Insurance
6 Rate Map, the Flood Boundary and Floodway Map (if applicable), the water
7 surface elevations of the base flood, and supporting technical data. [Also
8 defined in FBC, B, Section 1612.2.]

9
10 *Floodplain Administrator.* The office or position designated and
11 charged with the administration and enforcement of this ordinance (may be
12 referred to as the Floodplain Manager).

13
14 *Floodplain development permit or approval.* An official document or
15 certificate issued by the town, or other evidence of approval or concurrence,
16 which authorizes performance of specific development activities that are
17 located in flood hazard areas and that are determined to be compliant with
18 this ordinance.

19
20 *Floodway.* The channel of a river or other riverine watercourse and
21 the adjacent land areas that must be reserved in order to discharge the base
22 flood without cumulatively increasing the water surface elevation more than
23 one (1) foot. [Also defined in FBC, B, Section 1612.2.]

24
25 *Floodway encroachment analysis.* An engineering analysis of the
26 impact that a proposed encroachment into a floodway is expected to have
27 on the floodway boundaries and base flood elevations; the evaluation shall
28 be prepared by a qualified Florida licensed engineer using standard
29 engineering methods and models.

30
31 *Florida Building Code.* The family of codes adopted by the Florida
32 Building Commission, including: *Florida Building Code, Building; Florida*
33 *Building Code, Residential; Florida Building Code, Existing Building; Florida*
34 *Building Code, Mechanical; Florida Building Code, Plumbing; Florida*
35 *Building Code, Fuel Gas.*

36
37 *Functionally dependent use.* A use which cannot perform its
38 intended purpose unless it is located or carried out in close proximity to
39 water, including only docking facilities, port facilities that are necessary for
40 the loading and unloading of cargo or passengers, and ship building and
41 ship repair facilities; the term does not include long-term storage or related
42 manufacturing facilities.

43
44 *Highest adjacent grade.* The highest natural elevation of the ground
45 surface prior to construction next to the proposed walls or foundation of a
46 structure.

1
2 *Historic structure.* Any structure that is determined eligible for the
3 exception to the flood hazard area requirements of the *Florida Building*
4 *Code, Existing Building*, Chapter 11 Historic Buildings.

5
6 *Letter of Map Change (LOMC).* An official determination issued by
7 FEMA that amends or revises an effective Flood Insurance Rate Map or
8 Flood Insurance Study. Letters of Map Change include:

9
10 Letter of Map Amendment (LOMA): An amendment based on
11 technical data showing that a property was incorrectly included in a
12 designated special flood hazard area. A LOMA amends the current
13 effective Flood Insurance Rate Map and establishes that a specific
14 property, portion of a property, or structure is not located in a special
15 flood hazard area.

16
17 Letter of Map Revision (LOMR): A revision based on technical data
18 that may show changes to flood zones, flood elevations, special flood
19 hazard area boundaries and floodway delineations, and other
20 planimetric features.

21
22 Letter of Map Revision Based on Fill (LOMR-F): A determination that
23 a structure or parcel of land has been elevated by fill above the base
24 flood elevation and is, therefore, no longer located within the special
25 flood hazard area. In order to qualify for this determination, the fill
26 must have been permitted and placed in accordance with the
27 community's floodplain management regulations.

28
29 Conditional Letter of Map Revision (CLOMR): A formal review and
30 comment as to whether a proposed flood protection project or other
31 project complies with the minimum NFIP requirements for such
32 projects with respect to delineation of special flood hazard areas. A
33 CLOMR does not revise the effective Flood Insurance Rate Map or
34 Flood Insurance Study; upon submission and approval of certified
35 as-built documentation, a Letter of Map Revision may be issued by
36 FEMA to revise the effective FIRM.

37
38 *Light-duty truck.* As defined in 40 C.F.R. 86.082-2, any motor vehicle
39 rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a
40 vehicular curb weight of 6,000 pounds or less and which has a basic vehicle
41 frontal area of 45 square feet or less, which is:

- 42
43 (1) Designed primarily for purposes of transportation of property
44 or is a derivation of such a vehicle, or
45
46 (2) Designed primarily for transportation of persons and has a

1 capacity of more than 12 persons; or

- 2
3 (3) Available with special features enabling off-street or off-
4 highway operation and use.

5
6 *Lowest floor.* The lowest floor of the lowest enclosed area of a
7 building or structure, including basement, but excluding any unfinished or
8 flood-resistant enclosure, other than a basement, usable solely for vehicle
9 parking, building access or limited storage provided that such enclosure is
10 not built so as to render the structure in violation of the non-elevation
11 requirements of the *Florida Building Code* or ASCE 24. [Also defined in
12 FBC, B, Section 1612.2.]

13
14 *Manufactured home.* A structure, transportable in one or more
15 sections, which is eight (8) feet or more in width and greater than four
16 hundred (400) square feet, and which is built on a permanent, integral
17 chassis and is designed for use with or without a permanent foundation
18 when attached to the required utilities. The term "manufactured home" does
19 not include a "recreational vehicle" or "park trailer." [Also defined in 15C-
20 1.0101, *Florida Administrative Code*]

21
22 *Manufactured home park or subdivision.* A parcel (or contiguous
23 parcels) of land divided into two or more manufactured home lots for rent or
24 sale.

25
26 *Market value.* The price at which a property will change hands
27 between a willing buyer and a willing seller, neither party being under
28 compulsion to buy or sell and both having reasonable knowledge of relevant
29 facts. As used in this ordinance, the term refers to the market value of
30 buildings and structures, excluding the land and other improvements on the
31 parcel. Market value may be established by a qualified independent
32 appraiser, Actual Cash Value (replacement cost depreciated for age and
33 quality of construction), or tax assessment value adjusted to approximate
34 market value by a factor provided by the Property Appraiser.

35
36 *New construction.* For the purposes of administration of this
37 ordinance and the flood resistant construction requirements of the *Florida*
38 *Building Code*, structures for which the "start of construction" commenced
39 on or after December 1, 1978 and includes any subsequent improvements
40 to such structures.

41
42 *New manufactured home park or subdivision.* A manufactured home
43 park or subdivision for which the construction of facilities for servicing the
44 lots on which the manufactured homes are to be affixed (including at a
45 minimum, the installation of utilities, the construction of streets, and either
46 final site grading or the pouring of concrete pads) is completed on or after

1 December 1, 1978.

2
3 *Park trailer.* A transportable unit which has a body width not
4 exceeding fourteen (14) feet and which is built on a single chassis and is
5 designed to provide seasonal or temporary living quarters when connected
6 to utilities necessary for operation of installed fixtures and appliances.
7 [Defined in section 320.01, *Florida Statutes*]

8
9 *Recreational vehicle.* A vehicle, including a park trailer, which is: [See
10 section 320.01, *Florida Statutes*]

- 11
12 (1) Built on a single chassis;
13
14 (2) Four hundred (400) square feet or less when measured at the
15 largest horizontal projection;
16
17 (3) Designed to be self-propelled or permanently towable by a
18 light-duty truck; and
19
20 (4) Designed primarily not for use as a permanent dwelling but as
21 temporary living quarters for recreational, camping, travel, or
22 seasonal use.

23
24 *Sand dunes.* Naturally occurring accumulations of sand in ridges or
25 mounds landward of the beach.

26
27 *Special flood hazard area.* An area in the floodplain subject to a 1
28 percent or greater chance of flooding in any given year. Special flood
29 hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH,
30 V1-V30, VE or V.[Also defined in FBC, B Section 1612.2.]

31
32 *Start of construction.* The date of issuance of permits for new
33 construction and substantial improvements, provided the actual start of
34 construction, repair, reconstruction, rehabilitation, addition, placement, or
35 other improvement is within one hundred and eighty(180) days of the date
36 of the issuance. The actual start of construction means either the first
37 placement of permanent construction of a building (including a
38 manufactured home) on a site, such as the pouring of slab or footings, the
39 installation of piles, the construction of columns.

40
41 Permanent construction does not include land preparation (such as
42 clearing, grading, or filling), the installation of streets or walkways,
43 excavation for a basement, footings, piers, or foundations, the erection of
44 temporary forms or the installation of accessory buildings such as garages
45 or sheds not occupied as dwelling units or not part of the main buildings.
46 For a substantial improvement, the actual "start of construction" means the

1 first alteration of any wall, ceiling, floor or other structural part of a building,
2 whether or not that alteration affects the external dimensions of the building.
3 [Also defined in FBC, B Section 1612.2.]
4

5 *Substantial damage.* Damage of any origin sustained by a building
6 or structure whereby the cost of restoring the building or structure to its
7 before-damaged condition would equal or exceed 50 percent of the market
8 value of the building or structure before the damage occurred. The term
9 also includes flood-related damage sustained by a structure on two
10 separate occasions during a ten (10) year period for which the cost of the
11 repairs at the time of each such flood event, on average, equals or exceeds
12 twenty-five percent (25%) of the market value of the structure before the
13 damage occurred. [Also defined in FBC, B Section 1612.2.]
14

15 *Substantial improvement.* Any combination of repair, reconstruction,
16 rehabilitation, addition, or other improvement of a building or structure
17 taking place during a ten (10) year period, the cumulative cost of which
18 equals or exceeds fifty (50) percent of the market value of the building or
19 structure before the improvement or repair is started. For each building or
20 structure, the ten (10) year period begins on the date of the first permit
21 issued for improvement or repair of that building or structure subsequent to
22 June 1, 1993. If the structure has incurred "substantial damage," any repairs
23 are considered substantial improvement regardless of the actual repair
24 work performed. The term does not, however, include either: [Also defined
25 in FBC, B, Section 1612.2.]
26

27 (1) Any project for improvement of a building required to correct
28 existing health, sanitary, or safety code violations identified by
29 the building official and that are the minimum necessary to
30 assure safe living conditions.
31

32 (2) Any alteration of a historic structure provided the alteration will
33 not preclude the structure's continued designation as a
34 historic structure.
35

36 *Variance.* A grant of relief from the requirements of this ordinance, or
37 the flood resistant construction requirements of the *Florida Building Code*,
38 which permits construction in a manner that would not otherwise be
39 permitted by this ordinance or the *Florida Building Code*.
40

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

1
2 **ARTICLE III. FLOOD RESISTANT DEVELOPMENT**

3
4 **Sec. 7-21. Buildings and structures.**

5
6 (a) *Design and construction of buildings, structures and facilities*
7 *exempt from the Florida Building Code.* Pursuant to Section 7-4(c) of this
8 chapter, buildings, structures, and facilities that are exempt from the *Florida*
9 *Building Code*, including substantial improvement or repair of substantial
10 damage of such buildings, structures and facilities, shall be designed and
11 constructed in accordance with the flood load and flood resistant construction
12 requirements of ASCE 24. Structures exempt from the *Florida Building Code*
13 that are not walled and roofed buildings shall comply with the requirements of
14 Section 7-27 of this chapter.

15
16 (b) *Buildings and structures seaward of the coastal construction*
17 *control line.* If extending, in whole or in part, seaward of the coastal
18 construction control line and also located, in whole or in part, in a flood
19 hazard area:

20
21 (1) Buildings and structures shall be designed and constructed to
22 comply with the more restrictive applicable requirements of
23 the *Florida Building Code, Building* Section 3109 and Section
24 1612 or *Florida Building Code, Residential* Section R322.

25
26 (2) Minor structures and non-habitable major structures as
27 defined in section 161.54, *Florida Statutes*, shall be designed
28 and constructed to comply with the intent and applicable
29 provisions of this ordinance and ASCE 24.

30
31 **Sec. 7-22. Subdivisions.**

32
33 (a) *Minimum requirements.* Subdivision proposals, including
34 proposals for manufactured home parks and subdivisions, shall be
35 reviewed to determine that:

36
37 (1) Such proposals are consistent with the need to minimize flood
38 damage and will be reasonably safe from flooding;

39
40 (2) All public utilities and facilities such as sewer, gas, electric,
41 communications, and water systems are located and
42 constructed to minimize or eliminate flood damage; and

43
44 (3) Adequate drainage is provided to reduce exposure to flood
45 hazards; in Zones AH and AO, adequate drainage paths shall
46 be provided to guide floodwaters around and away from
47 proposed structures.

1
2 (b) *Subdivision plats.* Where any portion of proposed
3 subdivisions, including manufactured home parks and subdivisions, lies
4 within a flood hazard area, the following shall be required:

- 5
6 (1) Delineation of flood hazard areas, floodway boundaries and
7 flood zones, and design flood elevations, as appropriate, shall
8 be shown on preliminary plats;
9
10 (2) Where the subdivision has more than fifty (50) lots or is larger
11 than five (5) acres and base flood elevations are not included
12 on the FIRM, the base flood elevations determined in
13 accordance with Section 7-5(b)(1) of this chapter; and
14
15 (3) Compliance with the site improvement and utilities
16 requirements of Section 7-23 of this chapter.
17

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

19
20 (a) *Minimum requirements.* All proposed new development shall
21 be reviewed to determine that:

- 22
23 (1) Such proposals are consistent with the need to minimize flood
24 damage and will be reasonably safe from flooding;
25
26 (2) All public utilities and facilities such as sewer, gas, electric,
27 communications, and water systems are located and
28 constructed to minimize or eliminate flood damage; and
29
30 (3) Adequate drainage is provided to reduce exposure to flood
31 hazards; in Zones AH and AO, adequate drainage paths shall
32 be provided to guide floodwaters around and away from
33 proposed structures.
34

35 (b) *Sanitary sewage facilities.* All new and replacement sanitary
36 sewage facilities, private sewage treatment plants (including all pumping
37 stations and collector systems), and on-site waste disposal systems shall
38 be designed in accordance with the standards for onsite sewage treatment
39 and disposal systems in Chapter 64E-6, *Florida Administrative Code*, and
40 ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into
41 the facilities and discharge from the facilities into flood waters, and
42 impairment of the facilities and systems.
43

44 (c) *Water supply facilities.* All new and replacement water supply
45 facilities shall be designed in accordance with the water well construction
46 standards in Chapter 62-532.500, *Florida Administrative Code*, and ASCE

1 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the
2 systems.

3
4 (d) *Limitations on sites in regulatory floodways.* No development,
5 including but not limited to site improvements, and land disturbing activity
6 involving fill or re-grading, shall be authorized in the regulatory floodway
7 unless the floodway encroachment analysis required in Section 7-5(c)(1) of
8 this chapter demonstrates that the proposed development or land disturbing
9 activity will not result in any increase in the base flood elevation.

10
11 (e) *Limitations on placement of fill.* Subject to the limitations of
12 this ordinance, fill shall be designed to be stable under conditions of flooding
13 including rapid rise and rapid drawdown of floodwaters, prolonged
14 inundation, and protection against flood-related erosion and scour. In
15 addition to these requirements, if intended to support buildings and
16 structures (Zone A only), fill shall comply with the requirements of the
17 *Florida Building Code*.

18
19 (f) *Limitations on sites in coastal high hazard areas (Zone V).* In
20 coastal high hazard areas, alteration of sand dunes and mangrove stands
21 shall be permitted only if such alteration is approved by the Florida
22 Department of Environmental Protection and only if the engineering
23 analysis required by Section 7-5(c)(4) of this chapter demonstrates that the
24 proposed alteration will not increase the potential for flood damage.
25 Construction or restoration of dunes under or around elevated buildings and
26 structures shall comply with Section 7-27(h)(3) of this chapter.

27
28 **Sec. 7-24. Manufactured homes.**

29
30 (a) *In General.* All manufactured homes installed in flood hazard
31 areas shall be installed by an installer that is licensed pursuant to section
32 320.8249, *Florida Statutes*, and shall comply with the requirements of
33 Chapter 15C-1, *Florida Administrative Code*, and the requirements of this
34 ordinance. If located seaward of the coastal construction control line, all
35 manufactured homes shall comply with the more restrictive of the applicable
36 requirements.

37
38 (b) *Foundations.* All new manufactured homes and replacement
39 manufactured homes installed in flood hazard areas shall be installed on
40 permanent, reinforced foundations that:

- 41
42 (1) In flood hazard areas (Zone A) other than coastal high hazard
43 areas, are designed in accordance with the foundation
44 requirements of the *Florida Building Code, Residential*
45 Section R322.2 and this ordinance. Foundations for
46 manufactured homes subject to subsection (d)(2) below are

1 permitted to be reinforced piers or other foundation elements
2 of at least equivalent strength.

3
4 (2) In coastal high hazard areas (Zone V), are designed in
5 accordance with the foundation requirements of the Florida
6 Building Code, Residential Section R322.3 and this
7 ordinance.

8
9 (c) *Anchoring.* All new manufactured homes and replacement
10 manufactured homes shall be installed using methods and practices which
11 minimize flood damage and shall be securely anchored to an adequately
12 anchored foundation system to resist flotation, collapse or lateral
13 movement. Methods of anchoring include, but are not limited to, use of over-
14 the-top or frame ties to ground anchors. This anchoring requirement is in
15 addition to applicable state and local anchoring requirements for wind
16 resistance.

17
18 (d) *Elevation.* Manufactured homes that are placed, replaced, or
19 substantially improved shall comply with subsection (d)(1) or (d)(2) below,
20 as applicable.

21
22 (1) *General elevation requirement.* Unless subject to the
23 requirements of subsection (d)(2) below, all manufactured
24 homes that are placed, replaced, or substantially improved on
25 sites located: (a) outside of a manufactured home park or
26 subdivision; (b) in a new manufactured home park or
27 subdivision; (c) in an expansion to an existing manufactured
28 home park or subdivision; or (d) in an existing manufactured
29 home park or subdivision upon which a manufactured home
30 has incurred "substantial damage" as the result of a flood,
31 shall be elevated such that the bottom of the frame is at or
32 above the elevation required, as applicable to the flood hazard
33 area, in the *Florida Building Code, Residential Section R322.2*
34 *(Zone A) or Section R322.3 (Zone V).*

35
36 (2) *Elevation requirement for certain existing manufactured home*
37 *parks and subdivisions.* Manufactured homes that are not
38 subject to subsection (d)(1) above, including manufactured
39 homes that are placed, replaced, or substantially improved on
40 sites located in an existing manufactured home park or
41 subdivision, unless on a site where substantial damage as
42 result of flooding has occurred, shall be elevated such that
43 either the:

44
45 a. Bottom of the frame of the manufactured home is at or
46 above the elevation required, as applicable to the flood
47 hazard area, in the *Florida Building Code, Residential*

1 Section R322.2 (Zone A) or Section R322.3 (Zone V);
2 or

- 3
4 b. Bottom of the frame is supported by reinforced piers or
5 other foundation elements of at least equivalent
6 strength that are not less than fifty-four (54) inches in
7 height above grade.

8
9 (e) *Enclosures.* Enclosed areas below elevated manufactured
10 homes shall comply with the requirements of the *Florida Building Code,*
11 *Residential* Section R322.2 or R322.3 for such enclosed areas, as
12 applicable to the flood hazard area.

13
14 (f) *Utility equipment.* Utility equipment that serves manufactured
15 homes, including electric, heating, ventilation, plumbing, and air
16 conditioning equipment and other service facilities, shall comply with the
17 requirements of the *Florida Building Code, Residential* Section R322, as
18 applicable to the flood hazard area.

19
20 **Sec. 7-25. Recreational vehicles and park trailers.**

21
22 (a) *Temporary placement.* Recreational vehicles and park trailers
23 placed temporarily in flood hazard areas shall:

- 24
25 (1) Be on the site for fewer than one hundred and eighty (180)
26 consecutive days; or
27
28 (2) Be fully licensed and ready for highway use, which means the
29 recreational vehicle or park model is on wheels or jacking
30 system, is attached to the site only by quick-disconnect type
31 utilities and security devices, and has no permanent
32 attachments such as additions, rooms, stairs, decks and
33 porches.

34
35 (b) *Permanent placement.* Recreational vehicles and park trailers
36 that do not meet the limitations in subsection (a) above for temporary
37 placement shall meet the requirements of Section 7-24 of this chapter for
38 manufactured homes.

39
40 **Sec. 7-26. Tanks.**

41
42 (a) *Underground tanks.* Underground tanks in flood hazard areas
43 shall be anchored to prevent flotation, collapse or lateral movement
44 resulting from hydrodynamic and hydrostatic loads during conditions of the
45 design flood, including the effects of buoyancy assuming the tank is empty.

- 46
47 (b) *Above-ground tanks, not elevated.* Above-ground tanks that

1 do not meet the elevation requirements of subsection (c) below shall:

2
3 (1) Be permitted in flood hazard areas (Zone A) other than coastal
4 high hazard areas, provided the tanks are anchored or
5 otherwise designed and constructed to prevent flotation,
6 collapse or lateral movement resulting from hydrodynamic
7 and hydrostatic loads during conditions of the design flood,
8 including the effects of buoyancy assuming the tank is empty
9 and the effects of flood-borne debris.

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

11
12 (c) *Above-ground tanks, elevated.* Above-ground tanks in flood
13 hazard areas shall be attached to and elevated to or above the design flood
14 elevation on a supporting structure that is designed to prevent flotation,
15 collapse or lateral movement during conditions of the design flood. Tank-
16 supporting structures shall meet the foundation requirements of the
17 applicable flood hazard area.
18

19 (d) *Tank inlets and vents.* Tank inlets, fill openings, outlets and
20 vents shall be:
21

22 (1) At or above the design flood elevation or fitted with covers
23 designed to prevent the inflow of floodwater or outflow of the
24 contents of the tanks during conditions of the design flood;
25 and
26

27 (2) Anchored to prevent lateral movement resulting from
28 hydrodynamic and hydrostatic loads, including the effects of
29 buoyancy, during conditions of the design flood.
30
31

32 **Sec. 7-27. Other development.**

33 (a) *General requirements for other development.* All
34 development, including man-made changes to improved or unimproved real
35 estate for which specific provisions are not specified in this ordinance or the
36 *Florida Building Code*, shall:
37

38 (1) Be located and constructed to minimize flood damage;
39

40 (2) Meet the limitations of Section 7-23(d) of this chapter if located
41 in a regulated floodway;
42

43 (3) Be anchored to prevent flotation, collapse or lateral movement
44 resulting from hydrostatic loads, including the effects of
45 buoyancy, during conditions of the design flood;
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(4) Be constructed of flood damage-resistant materials; and

(5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

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

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

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

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

(1) Structurally independent of the foundation system of the building or structure;

(2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

(3) Have a maximum slab thickness of not more than four (4) inches.

1 (g) *Decks and patios in coastal high hazard areas (Zone V).* In
2 addition to the requirements of the *Florida Building Code*, in coastal high
3 hazard areas decks and patios shall be located, designed, and constructed
4 in compliance with the following:

5
6 (1) A deck that is structurally attached to a building or structure
7 shall have the bottom of the lowest horizontal structural
8 member at or above the design flood elevation and any
9 supporting members that extend below the design flood
10 elevation shall comply with the foundation requirements that
11 apply to the building or structure, which shall be designed to
12 accommodate any increased loads resulting from the
13 attached deck.

14
15 (2) A deck or patio that is located below the design flood elevation
16 shall be structurally independent from buildings or structures
17 and their foundation systems, and shall be designed and
18 constructed either to remain intact and in place during design
19 flood conditions or to break apart into small pieces to minimize
20 debris during flooding that is capable of causing structural
21 damage to the building or structure or to adjacent buildings
22 and structures.

23
24 (3) A deck or patio that has a vertical thickness of more than
25 twelve (12) inches or that is constructed with more than the
26 minimum amount of fill necessary for site drainage shall not
27 be approved unless an analysis prepared by a qualified
28 registered design professional demonstrates no harmful
29 diversion of floodwaters or wave run-up and wave reflection
30 that would increase damage to the building or structure or to
31 adjacent buildings and structures.

32
33 (4) A deck or patio that has a vertical thickness of twelve (12)
34 inches or less and that is at natural grade or on nonstructural
35 fill material that is similar to and compatible with local soils and
36 is the minimum amount necessary for site drainage may be
37 approved without requiring analysis of the impact on diversion
38 of floodwaters or wave run-up and wave reflection.

39
40 (g) *Other development in coastal high hazard areas (Zone V).* In
41 coastal high hazard areas, development activities other than buildings and
42 structures shall be permitted only if also authorized by the appropriate
43 federal, state or local authority; if located outside the footprint of, and not
44 structurally attached to, buildings and structures; and if analyses prepared
45 by qualified registered design professionals demonstrate no harmful
46 diversion of floodwaters or wave run-up and wave reflection that would

1 increase damage to adjacent buildings and structures. Such other
2 development activities include but are not limited to:

- 3
- 4 (1) Bulkheads, seawalls, retaining walls, revetments, and similar
5 erosion control structures;
- 6
- 7 (2) Solid fences and privacy walls, and fences prone to trapping
8 debris, unless designed and constructed to fail under flood
9 conditions less than the design flood or otherwise function to
10 avoid obstruction of floodwaters; and
- 11
- 12 (3) On-site sewage treatment and disposal systems defined in
13 64E-6.002, *Florida Administrative Code*, as filled systems or
14 mound systems.

15

16 (h) *Nonstructural fill in coastal high hazard areas (Zone V)*. In
17 coastal high hazard areas:

- 18
- 19 (1) Minor grading and the placement of minor quantities of
20 nonstructural fill shall be permitted for landscaping and for
21 drainage purposes under and around buildings.
- 22
- 23 (2) Nonstructural fill with finished slopes that are steeper than one
24 unit vertical to five units horizontal shall be permitted only if an
25 analysis prepared by a qualified registered design
26 professional demonstrates no harmful diversion of
27 floodwaters or wave run-up and wave reflection that would
28 increase damage to adjacent buildings and structures.
- 29
- 30 (3) Where authorized by the Florida Department of
31 Environmental Protection or applicable local approval, sand
32 dune construction and restoration of sand dunes under or
33 around elevated buildings are permitted without additional
34 engineering analysis or certification of the diversion of
35 floodwater or wave run-up and wave reflection if the scale and
36 location of the dune work is consistent with local beach-dune
37 morphology and the vertical clearance is maintained between
38 the top of the sand dune and the lowest horizontal structural
39 member of the building.

40

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

43

44 **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure
45 whereby the cost of restoring the structure to its before-damaged condition
46 would equal or exceed 50 percent of the market value of the structure before

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

6
7 **SUBSTANTIAL IMPROVEMENT.** Any combination of repair,
8 reconstruction, rehabilitation, addition or improvement of a building or
9 structure taking place during a 10 year period, the cumulative cost of which
10 equals or exceeds 50 percent of the market value of the structure before
11 the improvement or repair is started. For each building or structure the 10
12 year period begins on the date of the first permit issued for improvement or
13 repair of that building or structure subsequent to June 1, 1993. If the
14 structure has sustained substantial damage, any repairs are considered
15 substantial improvement regardless of the actual repair work performed.
16 The term does not, however, include either:

- 17
18 1. Any project for improvement of a building required to correct
19 existing health, sanitary or safety code violations identified by
20 the building official and that are the minimum necessary to
21 assure safe living conditions.
22
23 2. Any alteration of a historic structure provided that the
24 alteration will not preclude the structure's continued
25 designation as a historic structure.

26
27 **1612.4.1 Elevation requirements.** The minimum elevation requirements
28 shall be as specified in ASCE 24 or the base flood elevation plus eighteen
29 inches (18"), whichever is higher.

30
31 **Section 4.** *The Florida Building Code, Existing Building* is hereby amended by
32 adopting the following technical amendments (additional language is underlined):

33
34 **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure
35 whereby the cost of restoring the structure to its before-damaged condition
36 would equal or exceed 50 percent of the market value of the structure before
37 the damage occurred. The term also includes flood-related damage
38 sustained by a structure on two separate occasions during a 10-year period
39 for which the cost of repairs at the time of each such flood event, on
40 average, equals or exceeds 25 percent of the market value of the structure
41 before the damage occurred.

42
43 **SUBSTANTIAL IMPROVEMENT.** Any combination of repair,
44 reconstruction, rehabilitation, addition or improvement of a building or
45 structure taking place during a 10 year period, the cumulative cost of which
46 equals or exceeds 50 percent of the market value of the structure before

1 the improvement or repair is started. For each building or structure the 10
2 year period begins on the date of the first permit issued for improvement or
3 repair of that building or structure subsequent to June 1, 1993. If the
4 structure has sustained substantial damage, any repairs are considered
5 substantial improvement regardless of the actual repair work performed.
6 The term does not, however, including either:

- 7
- 8 1. Any project for improvement of a building required to correct
9 existing health, sanitary or safety code violations identified by
10 the building official and that are the minimum necessary to
11 assure safe living conditions.
- 12
- 13 2. Any alteration of a historic structure provided that the
14 alteration will not preclude the structure's continued
15 designation as a historic structure.
- 16

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

20

21 **R322.2.1 Elevation requirements.**

- 22
- 23 1. Buildings and structures in flood hazard areas not designated
24 as Coastal A zones shall have the lowest floors elevated to or
25 above the base flood elevation plus eighteen inches (18") or
26 the design flood elevation, whichever is higher.
- 27
- 28 2. Buildings and structures in flood hazard areas designated as
29 Coastal A Zones shall have the lowest floors elevated to or
30 above the base flood elevation plus eighteen inches (18")
31 ~~feet (305mm)~~, or to the design flood elevation, whichever is
32 higher.
- 33
- 34 3. In areas of shallow flooding (AO Zones), buildings and
35 structures shall have the lowest floor (including basement)
36 elevated at least as high above the highest adjacent grade as
37 the depth number specified in feet on the FIRM plus eighteen
38 inches (18"), or at least three feet six inches (3'6")~~2 feet~~
39 ~~(640mm)~~ if a depth number is not specified.
- 40
- 41 4. Basement floors that are below grade on all sides shall be
42 elevated to or above the base flood elevation plus eighteen
43 inches (18") or the design flood elevation, whichever is higher.
- 44

45 **Exception:** Enclosed areas below the design flood elevation, including
46 basements whose floors are not below grade on all sides, shall meet the

1 requirements of Section R322.2.2.

2
3 **R322.3.2. Elevation requirements.**

- 4
5 1. All buildings and structures erected within coastal high-hazard
6 areas shall be elevated so that the lowest portion of all
7 structural members supporting the lowest floor, with the
8 exception of piling, pile caps, columns, grade beams and
9 bracing, is elevated to or above the base flood elevation plus
10 eighteen inches (18") or the design flood elevation, whichever
11 is higher.
12
13 2. Basement floors that are below grade on all sides are
14 prohibited.
15
16 3. The use of fill for structural support is prohibited.
17
18 4. Minor grading, and the placement of minor quantities of fill,
19 shall be permitted for landscaping and for drainage purposes
20 under and around buildings and for support of parking slabs,
21 pool decks, patios and walkways.

22
23 **Exception:** Walls and partitions enclosing areas below the design flood
24 elevation shall meet the requirements of Sections R322.2.4 and R322.3.5.

25
26 **Section 6.** For the purposes of jurisdictional applicability, this ordinance shall
27 apply within the corporate limits of the Town of Juno Beach. This ordinance shall apply
28 to all applications for development, including building permit applications and subdivision
29 proposals, submitted on or after the effective date of this ordinance.

30
31 **Section 7.** The provisions of this Ordinance shall become and be made a part
32 of the Code of Ordinances of the Town of Juno Beach, Florida.

33
34 **Section 8.** If any section, paragraph, sentence, clause, phrase, or word of this
35 Ordinance is for any reason held by a court of competent jurisdiction to be
36 unconstitutional, inoperative or void, such holding shall not affect the remainder of the
37 Ordinance.

38
39 **Section 9.** All Ordinances and Resolutions or parts of Ordinances or
40 Resolutions directly in conflict with this Ordinance are hereby repealed only to the extent
41 of such conflict.

42
43 **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