

Ordinance No. 2014- 3

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, MAKING FINDINGS; REPEALING ORDINANCE NOS. 81-47, 81-83, 87-45, 92-4, 93-38, 2002-44, 2004-65 AND THE CODIFICATIONS THEREOF, INCLUDING CHAPTER 9 OF THE CLAY COUNTY CODE, ALL OF WHICH PERTAIN TO FLOOD HAZARD PREVENTION; PROVIDING FOR THE INCLUSION OF A NEW ARTICLE XIII IN THE CLAY COUNTY LAND DEVELOPMENT CODE AND ESTABLISHING THEREUNDER FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING IN CHAPTER I OF SAID REGULATIONS FOR TITLE, SCOPE, INTENT, COORDINATION WITH THE *FLORIDA BUILDING CODE*, A WARNING AS TO LIMITATIONS, AND A DISCLAIMER OF LIABILITY; FOR APPLICABILITY OF SPECIFIC OVER GENERAL REQUIREMENTS, APPLICABILITY AS TO AREAS, ISSUANCE OF PERMITS, BASIS FOR ESTABLISHING FLOOD HAZARD AREAS, SUBMISSION OF ADDITIONAL DATA, OTHER LAWS, ABROGATION AND GREATER RESTRICTIONS, AND INTERPRETATION; FOR FLOODPLAIN ADMINISTRATOR DESIGNATION AND FLOODPLAIN ADMINISTRATOR DUTIES AND POWERS, INCLUDING THOSE IN GENERAL, THOSE PERTAINING TO APPLICATIONS AND PERMITS, THOSE PERTAINING TO SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS, THOSE PERTAINING TO MODIFICATIONS OF *FLORIDA BUILDING CODE* REQUIREMENTS, THOSE PERTAINING TO NOTICES, ORDERS AND INSPECTIONS, AND THOSE PERTAINING TO RECORDS; FOR PERMIT REQUIREMENT, APPLICATION, VALIDITY, EXPIRATION, SUSPENSION, AND REVOCATION, AND OTHER PERMIT REQUIREMENTS; FOR SITE PLANS AND CONSTRUCTION DOCUMENTS AND INFORMATION RELATED THERETO, ADDITIONAL ANALYSES AND CERTIFICATIONS, AND SUBMISSION OF ADDITIONAL INFORMATION; FOR INSPECTIONS IN GENERAL AND FOR DEVELOPMENT OTHER THAN BUILDINGS AND STRUCTURES, AND *FLORIDA BUILDING CODE* EXEMPTIONS AS TO CERTAIN BUILDINGS, STRUCTURES AND FACILITIES; FOR VARIANCES AND APPEALS, INCLUDING GENERAL PROVISIONS, LIMITATIONS, AUTHORIZATION IN RELATION TO HISTORIC BUILDINGS AND FUNCTIONALLY DEPENDENT USES, CONSIDERATIONS AND CONDITIONS FOR ISSUANCE OF VARIANCES; AND FOR VIOLATIONS AND IN CONNECTION THEREWITH FOR FLOODPLAIN ADMINISTRATOR AUTHORITY AND FOR UNLAWFUL CONTINUANCE; PROVIDING IN CHAPTER II OF SAID REGULATIONS FOR DEFINITIONS, INCLUDING THE SCOPE THEREOF, THE INCLUSION OF TERMS IN THE *FLORIDA*

BUILDING CODE, AND TERMS NOT DEFINED; AND PROVIDING IN CHAPTER III OF SAID REGULATIONS FOR REGULATIONS PERTAINING TO FLOOD RESISTANT DEVELOPMENT, INCLUDING DESIGN AND CONSTRUCTION OF BUILDINGS, STRUCTURES AND FACILITIES EXEMPT FROM AND SUBJECT TO THE *FLORIDA BUILDING CODE*, AND ELEVATION REQUIREMENTS FOR NON-RESIDENTIAL AND RESIDENTIAL; FOR RESIDENTIAL SUBDIVISION MINIMUM REQUIREMENTS AND PLAT REQUIREMENTS; FOR SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS, INCLUDING PROVISIONS PERTAINING TO MINIMUM REQUIREMENTS, WATER SUPPLY FACILITIES, LIMITATIONS ON SITES IN REGULATORY FLOODWAYS, AND LIMITATIONS ON PLACEMENT OF FILL; FOR MANUFACTURED HOMES, INCLUDING GENERAL PROVISIONS AND PROVISIONS PERTAINING TO FOUNDATIONS, ANCHORING, ELEVATION, ENCLOSURES AND UTILITY EQUIPMENT; FOR RECREATIONAL VEHICLES AND PARK TRAILERS, INCLUDING PROVISIONS PERTAINING TO TEMPORARY AND PERMANENT PLACEMENT; FOR TANKS, INCLUDING GENERAL PROVISIONS AND PROVISIONS PERTAINING TO UNDERGROUND AND ABOVE-GROUND TANKS, AND TANK INLETS AND VENTS; AND FOR OTHER DEVELOPMENT, INCLUDING GENERAL REQUIREMENTS AND PROVISIONS PERTAINING TO FENCES, RETAINING WALLS, SIDEWALKS, DRIVEWAYS, ROADS AND WATERCOURSE CROSSINGS IN REGULATED FLOODWAYS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Recitals

WHEREAS, the Florida Legislature has, in Chapter 125, Florida Statutes, conferred upon local governments the authority to adopt regulations 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 Clay County (the County) that may be subject to periodic inundation resulting 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 County was accepted for participation in the National Flood Insurance Program on July 2, 1981, and the County desires to continue to meet the requirements of 44 C.F.R. 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 known as the *Florida Building Code*; and

WHEREAS, the County's Board of County Commissioners has determined that it is in the public interest to adopt this ordinance updating its floodplain management regulations and providing for their coordination with the *Florida Building Code*.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. The several recitals set forth hereinabove are adopted as findings which support and justify the adoption of this ordinance.

Section 2. Ordinance Nos. 81-47, 81-83, 87-45, 92-4, 93-38, 2002-44, 2004-65, and the codifications thereof, including Chapter 9 of the Clay County Code in its entirety, are hereby repealed.

Section 3. The regulations set forth in the document attached as Exhibit A are hereby adopted as the County's floodplain management regulations, and the same shall be codified as Article XIII (Floodplain Management Regulations) of the unified Clay County Land Development Code.

Section 4. If any section, phrase, sentence or portion of this ordinance or of the regulations set forth in the document attached as Exhibit A is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This ordinance shall become effective on March 17, 2014.

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11 DULY ADOPTED by the Board of County Commissioners of Clay County, Florida. this
day of Feb., 2014.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA



Wendell D. Davis
Its Chairman

ATTEST:



S. C. Kopelousos
County Manager and Clerk of the
Board of County Commissioners

Exhibit A
[Article XIII – Floodplain Management Regulations]

ARTICLE XIII

FLOODPLAIN MANAGEMENT REGULATIONS

CHAPTER I ADMINISTRATION

Sec. 13-1. GENERAL

- (1) **Title.** These regulations shall be known as the Floodplain Management Regulations of Clay County, hereinafter referred to as "this article."
- (2) **Scope.** The provisions of this article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- (3) **Intent.** The purposes of this article and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
 - (a) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 - (b) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 - (c) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 - (d) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 - (e) Minimize damage to public and private facilities and utilities;
 - (f) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 - (g) Minimize the need for future expenditure of public funds for flood control

projects and response to and recovery from flood events; and

(h) Meet the requirements of the National Flood Insurance Program for community participation as set forth in 44 C.F.R. 59.22.

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

(5) **Warning.** The degree of flood protection required by this article and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of 44 C.F.R. 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guarantee of vested use, existing use, or future use is implied or expressed by compliance with this article.

(6) **Disclaimer of Liability.** This article shall not create liability on the part of Clay County or of any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

Sec. 13-2. **APPLICABILITY**

(1) **General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(2) **Areas to which this article applies.** This article shall apply to all flood hazard areas within the unincorporated areas of Clay County, as established in Section 13-2(4) of this article.

(3) **Issuance of permits under this article.** The provisions of this article apply to all permits issued after the effective date. Any substantial improvement to a building or structure permitted after the article's effective date shall comply with the provisions of this article.

(4) **Basis for establishing flood hazard areas.** The Flood Insurance Study for Clay County, Florida and Incorporated Areas dated March 17, 2014, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of

this article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Clay County Planning and Zoning Division or its successor in function.

- (5) **Submission of additional data to establish flood hazard areas.** To establish flood hazard areas and base flood elevations, pursuant to Section 13-5 of this article the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
 - (a) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the *Florida Building Code*.
 - (b) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- (6) **Other laws.** The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.
- (7) **Abrogation and greater restrictions.** This article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this article and any other ordinance, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.
- (8) **Interpretation.** In the interpretation and application of this article, all provisions shall be:
 - (a) Considered as minimum requirements;
 - (b) Liberally construed in favor of the governing body; and
 - (c) Deemed neither to limit nor repeal any other powers granted under the statutes.

Sec. 13-3. DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

- (1) **Designation.** The IMS/Special Projects Coordinator is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

- (2) **General.** The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this article. The Floodplain Administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to Section 13-7 of this article.
- (3) **Applications and permits.** The Floodplain Administrator, in coordination with other County Departments, shall:
- (a) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 - (b) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;
 - (c) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 - (d) Provide available flood elevation and flood hazard information;
 - (e) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 - (f) Review applications to determine whether proposed development will be reasonable safe from flooding;
 - (g) Issue floodplain development permits for development including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and
 - (h) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.
- (4) **Substantial improvement and substantial damage determinations.** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - (b) 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;
 - (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 - (d) 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 article is required.
- (5) **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 13-7 of this article.
- (6) **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 article.
- (7) **Inspections.** The Floodplain Administrator shall make, or cause to be made, the required inspections as specified in Section 13-6 of this article 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, or cause to be inspected, flood hazard areas to determine if development is undertaken without issuance of a permit.
- (8) **Other duties of the Floodplain Administrator.** The Floodplain Administrator shall have other duties, including but not limited to:
- (a) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 13-3(4) of this article;
 - (b) Require that applicants proposing alteration of a watercourse notify adjacent communities, the Florida Division of Emergency Management, State Floodplain

Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

- (c) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications, to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available; and
 - (d) Review required design certifications and documentation of elevations specified by this article and the *Florida Building Code* article to determine that such certifications and documentations are complete.
- (9) **Floodplain management records.** As coordinated by the Floodplain Administrator, the County shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the Planning and Zoning Division.

Sec. 13-4. PERMITS

- (1) **Permits required.** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.
- (2) **Floodplain development permits.** Floodplain development permits shall be issued pursuant to this article for any development activities including buildings, structures and facilities exempt from the *Florida Building Code*.

- (a) Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this article:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

- (3) Application for a permit or approval. To obtain a floodplain development permit the applicant shall first file an application in writing on a form furnished by the County. The information provided shall include but not be limited to the following:

- (a) Identify and describe the development to be covered by the application.
- (b) Describe the land on which the proposed development is to be conducted by legal

description, street address or similar description that will readily identify and definitively locate the site.

- (c) Indicate the use and for which the proposed development is intended.
 - (d) Be accompanied by a site plan or construction documents as specified in Section 105 of this article.
 - (e) State the valuation of the proposed work.
 - (f) Be signed and notarized by the applicant or the applicant's authorized agent.
 - (g) Give such other data and information as required by the Floodplain Administrator.
- (4) **Validity of permit or approval.** The issuance of a floodplain development permit pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the *Florida Building Code*, or any other ordinance of the County. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- (5) **Expiration.** A floodplain development permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing to the Floodplain Administrator prior to the expiration date of the permit. Justifiable cause in support of the extension must be demonstrated for the Floodplain Administrator's consideration whether to approve or deny the request.
- (6) **Suspension or revocation.** The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of the County.
- (7) **Other permits required.** Floodplain development permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
- (a) The St. Johns River Water Management District; section 373.036, F.S.
 - (b) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
 - (c) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.

- (d) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (e) Federal permits and approvals.

Sec. 13-5. SITE PLANS AND CONSTRUCTION DOCUMENTS

(1) **Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

- (a) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (b) Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 13-5(2) of this article.
- (c) Where the parcel on which the proposed development will take place will have more than 6 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 13-5(2)(a) or (b) of this article.
- (d) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- (e) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (f) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (g) Existing and proposed alignment of any proposed alteration of a watercourse.
- (h) Other information as required by the Floodplain Administrator or Building Official.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article but that are not required to be prepared by a registered design professional if it is found that the nature of

the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this article.

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

- (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (b) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (c) Where base flood elevation and floodway data are not available from another source, where the available the data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - 1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - 2. Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.
- (d) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

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

- (a) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations. The floodway encroachment analysis must include an encroachment certification (No-Rise Certification) signed and sealed by a registered professional engineer. The certification must be supported by technical data, which should be based on the

same computer model used to develop the floodway shown on the Clay County Flood Insurance Rate Maps. Where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 13-5(4) of this article and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents. Where the Floodplain Administrator has determined that the development activity proposed within a floodway qualifies as a Minor Project or is entirely located within a floodway Conveyance Shadow, the submittal of an analysis shall not be required.

- (b) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses which demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area.
 - (c) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 13-5(4) of this article.
- (4) **Submission of additional data.** When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees for FEMA's review shall be the responsibility of the applicant.

Sec. 13-6. **INSPECTIONS**

- (1) **General.** Development for which a floodplain development permit is required shall be subject to inspection.
- (2) **Development other than buildings and structures.** The Floodplain Administrator shall inspect, or cause to be inspected, all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits.
- (3) **Buildings, structures and facilities exempt from the Florida Building Code.** The

Floodplain Administrator shall inspect, or cause to be inspected, buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this article and the conditions of issued floodplain development permits.

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

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 13-5(2)(c) of this article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(b) Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 13-6(2)(a) of this article.

(4) Manufactured homes. The Building Official shall inspect, or cause to be inspected, manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

Sec. 13-7. VARIANCES AND APPEALS

(1) General. The Board of Adjustment shall hear and decide requests for appeals and requests for variances from the strict application of this article. Pursuant to section 553.73(5), F.S., the Board of Adjustment shall hear and decide requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.

(2) Appeals. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this article. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the circuit court, as provided by Florida law.

- (3) **Limitations on authority to grant variances.** The Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 13-7(6) of this article, the conditions of issuance set forth in Section 13-7(7) of this article, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of Adjustment has the authority to attach such conditions as it deems necessary to further the purposes and objectives of this article. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 13-5(3) of this article.
- (4) **Historic buildings.** A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.
- (5) **Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article, provided the variance meets the requirements of Section 13-7(3)(a), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- (6) **Considerations for issuance of variances.** In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, and all other applicable provisions of the *Florida Building Code*, this article, and the following:
- (a) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - (d) The importance of the services provided by the proposed development to the community;
 - (e) The availability of alternate locations for the proposed development that are

subject to lower risk of flooding or erosion;

- (f) The compatibility of the proposed development with existing and anticipated development;
- (g) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (h) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (i) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

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

- (a) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;
- (b) Determination by the Board of Adjustment that:
 - 1. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - 2. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - 3. The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (c) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (d) If the request is for a variance to allow construction of the lowest floor of a new

building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 13-8. **VIOLATIONS**

- (1) **Violations.** Any development that is not within the scope of the *Florida Building Code* but that is regulated by this article that is performed without an issued Floodplain Development permit, that is in conflict with an issued Floodplain Development permit, or that does not fully comply with this article, shall be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.
- (2) **Authority.** For development that is not within the scope of the *Florida Building Code* but that is regulated by this article and that is determined to be a violation, the Floodplain Administrator is authorized to serve, or cause to be served, notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- (3) **Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

CHAPTER II **DEFINITIONS**

Sec. 13-9. **GENERAL**

- (1) **Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article, have the meanings provided in this section.
- (2) **Terms defined in the Florida Building Code.** Where terms are not defined in this article and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.
- (3) **Terms not defined.** Where terms are not defined in this article or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

(4) **Definitions.** As used in this article, and unless the context clearly requires otherwise, the following terms and phrases shall have the meanings herein ascribed:

- (a) **Alteration of a watercourse.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.
- (b) **Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision of this article or a request for a variance.
- (c) **ASCE 24.** A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.
- (d) **Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."
- (e) **Base flood elevation.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). The basis for establishing flood hazard areas in Clay County is the FIRM; therefore, the design flood elevation is equal to the base flood elevation.
- (f) **Basement.** The portion of a building having its floor subgrade (below ground level) on all sides.
- (g) **Conveyance Shadow.** An area within the floodway that is downstream and upstream of an existing building or obstruction to flood flow. Building additions, accessory buildings and similar small projects may be located within this area without the submittal of the engineering analysis needed for a No-Rise Certification. All such structures must be elevated or otherwise protected from the base flood. The limits of the upstream conveyance area is determined by a triangular area drawn at a 1:1 ratio upstream from the structure. The limits of the downstream conveyance area is determined by a triangular area drawn at a 4:1 ratio downstream from the structure.
- (h) **Design flood.** The flood associated with the greater of the following two areas:
 - 1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
 - 2. Area designated as a flood hazard area on the community's flood hazard

map, or otherwise legally designated.

- (i) Design flood elevation. The elevation of the “design flood,” including wave height, relative to the datum specified on the community’s legally designated flood hazard map. The basis for establishing flood hazard areas in Clay County is the FIRM; therefore, the design flood elevation is equal to the base flood elevation.
- (j) Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.
- (k) Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.
- (l) Existing building and existing structure. Any buildings and structures for which the “start of construction” commenced before July 2, 1981.
- (m) Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 2, 1981.
- (n) Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (o) Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.
- (p) Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.

- (q) Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.
- (r) Flood hazard area. The greater of the following two areas:
1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
 2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.
- (s) Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community.
- (t) Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.
- (u) Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this article (may be referred to as the Floodplain Manager).
- (v) Floodplain development permit. An official document or certificate issued by the County which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this article.
- (w) Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.
- (x) Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.
- (y) Florida Building Code. The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

- (z) Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.
- (aa) Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.
- (ab) Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.
- (ac) Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:
 1. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
 2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
 3. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
 4. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.
- (ad) Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb

weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
 2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
 3. Available with special features enabling off-street or off-highway operation and use.
- (ae) Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24.
- (af) Manufactured home. A structure, transportable in one or more sections, which is 8 feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer."
- (ag) Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (ah) Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the County's Property Appraiser.
- (ai) Minor project. Development which is proposed within the floodway and which has such insignificant impacts to flood flows that an engineering study and certification are not warranted. Examples include sign posts and telephone poles, as well as driveways, roads or parking lots at grade without any fill.
- (aj) New construction. For the purposes of administration of this article and the flood resistant construction requirements of the *Florida Building Code*, structures for

which the “start of construction” commenced on or after July 2, 1981 and includes any subsequent improvements to such structures.

- (ak) New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 2, 1981.
- (al) No-Rise Certification. A Certification sealed, signed and dated by a registered engineer which demonstrates through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that a proposed development in a floodway would not result in any increase in flood levels during the occurrence of a base flood discharge. The Certification must be accompanied by supporting data, including the use of the hydraulic model used by FEMA for the County Flood Insurance Rate Map which is in effect at the time that the development is proposed.
- (am) Park trailer. A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.
- (an) Recreational vehicle. A vehicle, including a park trailer, which is:
 1. Built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. Designed to be self-propelled or permanently towable by a light-duty truck; and
 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (ao) Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE OR V.
- (ap) Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings,

the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- (aq) Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.
- (ar) Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:
 - 1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
 - 2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.
- (as) Variance. A grant of relief from the requirements of this article, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this article or the *Florida Building Code*.
- (at) Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

CHAPTER III FLOOD RESISTANT DEVELOPMENT

Sec. 13-10. BUILDINGS AND STRUCTURES

- (1) Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Section 13-4(2)(a) of this article, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial

improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 13-16 of this article.

- (2) **Design and construction of buildings, structures and facilities subject to the Florida Building Code.** Buildings, structures, and facilities subject to the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24.
- (3) **Elevation Requirements for Non-Residential.** For reference purposes, the following summarizes the mandatory requirements of ASCE 24 based on Structure Category as specified and described in ASCE 24, Table 1-1:
 - (a) Elevation of the lowest floor, including basement, and elevation of utilities and equipment, including duct work:
 1. Category I (temporary facilities, non-commercial minor storage facilities, and certain agricultural structures): at or above the base flood elevation, unless permitted to be wet-floodproofed in accordance with ASCE 24, Chapter 6.
 2. Category II (all buildings and structures not in Category I, III, or IV): at or above the base flood elevation plus one foot.
 3. Category III (represent a substantial hazard to human life): at or above the base flood elevation plus one foot.
 4. Category IV (designated as essential facilities): at or above the base flood elevation plus two feet.
 - (b) Minimum elevation of dry floodproofing of non-residential structures and non-residential portions of mixed use buildings shall be at or above the elevations described in Section 13-10(3)(a) of this article.
- (4) **Elevation Requirements for Residential.** For reference purposes, the following summarizes the mandatory requirements of Section R322.2.1 of the Florida Building Code.
 - (a) Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher. (See Definitions Section)
 - (b) Basement floors that are below grade on all sides shall be elevated to or above the

base flood elevation plus 1 foot or the design flood elevation, whichever is higher.
(See Definitions Section)

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

Sec. 13-11. SUBDIVISIONS

- (1) **Minimum requirements.** Review of subdivision proposals, including proposals for manufactured home parks and subdivisions, shall also include a determination that:
 - (a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided to reduce exposure to flood hazards.
- (2) **Subdivision plats.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - (a) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
 - (b) Where the subdivision has more than 6 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 13-5(2)(a) or (b) of this article; and
 - (c) Compliance with the site improvement and utilities requirements of Section 13-12 of this article.

Sec. 13-12. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

- (1) **Minimum requirements.** All proposed new development shall be reviewed to determine that:
 - (a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage;

and

- (c) Adequate drainage is provided to reduce exposure to flood hazards.
- (2) **Sanitary sewage facilities.** All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- (3) **Water supply facilities.** All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- (4) **Limitations on sites in regulatory floodways.** No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the Floodplain Development permit includes a floodway encroachment analysis required in Section 13-5(3)(a) of this article which demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation. Where the Floodplain Administrator has determined that the development activity qualifies as a Minor Project or is demonstrated to be located within a floodway Conveyance Shadow, the submittal of an analysis shall not be required.
- (5) **Limitations on placement of fill.** Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

Sec. 13-13. MANUFACTURED HOMES

- (1) **General.** All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article.
- (2) **Foundations.** All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this article.
- (3) **Anchoring.** All new manufactured homes and replacement manufactured homes shall be

installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

- (4) **Elevation.** Manufactured homes that are placed, replaced, or substantially improved shall comply with this article. All manufactured homes that are placed, replaced, or substantially improved on sites located within a special flood hazard area shall be elevated such that the bottom of the frame is one foot above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2.1 (Zone A).
- (5) **Enclosures.** Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas.
- (6) **Utility equipment.** Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322.

Sec. 13-14. **RECREATIONAL VEHICLES AND PARK TRAILERS**

- (1) **Temporary placement.** Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
 - (a) Be on the site for fewer than 180 consecutive days; or
 - (b) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
- (2) **Permanent placement.** Recreational vehicles and park trailers that do not meet the limitations in Section 13-14(1) of this article for temporary placement shall meet the requirements of Section 13-13 of this article for manufactured homes. Compliance with the requirements of Section 13-13 does not authorize permanent occupancy of recreational vehicles and park trailers.

Sec. 13-15. **TANKS**

- (1) **General.** All underground and above-ground tanks shall be installed in compliance with NFPA-30 and the following requirements. In case of any conflicts, the more restrictive regulation shall govern.

- (2) **Underground tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- (3) **Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation requirements of Section 13-15(4) of this article shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (4) **Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- (5) **Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:
 - (a) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 13-16 **OTHER DEVELOPMENT**

- (1) **General requirements for other development.** All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the *Florida Building Code*, shall:
 - (a) Be located and constructed to minimize flood damage;
 - (b) Meet the limitations of Section 13-12(4) of this article if located in a regulated floodway;
 - (c) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - (d) Be constructed of flood damage-resistant materials; and

- (e) Have mechanical, plumbing, and electrical systems above the design flood elevation, 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.
- (2) **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 13-12(4) of this article.
- (3) **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 13-12(4) of this article.
- (4) **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 303.4 of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 13-5(3)(c) of this article.