

## ORDINANCE NO 20-22

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING FLOODPLAIN MANAGEMENT; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS' AMENDING ARTICLE II OF CHAPTER 2-10 OF THE MANATEE COUNTY CODE OF ORDINANCES, THE FLOODPLAIN MANAGEMENT ORDINANCE OF UNINCORPORATED MANATEE COUNTY, ADDING PROVISION FOR ADMINISTRATION, DEFINITIONS, AREA OF APPLICABILITY, FLOOD RESISTANT DEVELOPMENT, AND TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE PURSUANT TO FLORIDA STATUTE 553.73(5); PROVIDING A FISCAL IMPACT STATEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, Manatee County is a political subdivision of the State of Florida to which Chapter 125 of the Florida Statutes grants broad authority and provides for the adoption of ordinances to provide for self-governance and to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, unincorporated Manatee County was accepted for participation in the National Flood Insurance Program on November 27, 1974 and the Board of County Commissioners desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

**WHEREAS**, the Board of County Commissioners adopted Ordinance No. 13-39 on January 7, 2014 to adopt Code of Ordinances Chapter 2-10 and now desires to amend the County's Land Development Code to eliminate duplication and to modify Code of Ordinance 2-10 to retain specific provisions; 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**, Chapter 553, Florida Statutes, allows for local technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

**WHEREAS**, the Board of County Commissioners previously adopted requirements to (1) require accumulation of costs of improvements and repairs of buildings, based on issued building permits, over a one-year period; (2) to require buildings that sustain repetitive flood damage over a 1-year period are included in the definition of "substantial damage"; (3) to limit partitioning of enclosed areas below elevated residential buildings in flood hazard prior to July 1, 2010 or for the purposes of the National Flood Insurance Programs' Community Rating System and, pursuant to Section 553.73(5), Florida Statutes, is formatting that requirement to coordinate with the *Florida Building Code*; and

**WHEREAS**, the Board of County Commissioners is adopting new requirements to apply coastal high hazard area requirements in Coastal A Zones for the purpose of participating in the

National Flood Insurance Program's Community Rating System, and pursuant to Section 553.73(5), Florida Statutes, is formatting that requirements to coordinate with the *Florida Building Code*; and

**WHEREAS**, The Board of County Commissioners has determined that it is in the public interest to adopt the proposed local technical amendments to the *Florida Building Code* and the proposed amendments are not more stringent than necessary to address the need identified, do capabilities, are in compliance with Section 553.73(4), Florida Statutes; and

**WHEREAS**, the Board of County Commissioners has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Manatee County:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, as codified in the applicable portions of Chapter 163, Part II, Florida Statutes, as amended, and Chapter 12, Florida Statutes as amended.

Section 2. Findings. The recitals set forth in the Whereas clauses above are true and correct and are hereby adopted as findings by the Board of County Commissioners for the adoption of this Ordinance.

Section 3. Amendment to the Code of Laws. The Manatee County Code of Laws is hereby amended to substitute in its entirety the following as Article II of Chapter 2-10:

(insert ordinance)

Section 4. Fiscal Impact Statement. In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

Section 5. Applicability. For the purposes of jurisdictional applicability, this ordinance shall apply in the unincorporated areas of Manatee County. This ordinance shall apply to all applications for development (as defined herein), including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

Section 6. Severability. If any section, sentence, clause or other provision of this Ordinance, or any provision of the Land Development Code Amendments contained within Application LDCT-20-0, shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance, or the Land Development Code Amendments, as the case may be.

Section 7. Codification. The publisher of the County's Code of Laws, the Municipal Code Corporation, is directed to incorporate this article into the Code of Ordinances where indicated and replace Article II of Chapter 2-10 with this Ordinance.

Section 8. Effective Date. This Ordinance shall become effective on 3<sup>rd</sup> day of October 2020.

**PASSED AND DULY ADOPTED** with a quorum present and voting this 3<sup>rd</sup> day of September 2020.

**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
**Betsy Benac, Chairperson**

**ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

By: \_\_\_\_\_  
**Deputy Clerk**

## CHAPTER 2-10 – DRAINAGE AND FLOOD CONTROL

### ARTICLE I. - IN GENERAL

Secs. 2-10-1—2-10-20. - Reserved.

### ARTICLE II. - FLOODPLAIN MANAGEMENT

#### Sec. 2-10-21. - Administration.

(a) *General.*

- (1) *Title.* These regulations shall be known as the Floodplain Management Ordinance of Unincorporated Manatee County.
- (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 the Title 44 Code of Federal Regulations, Section 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 this standard regarding the design and construction of buildings and structures located in flood hazard areas as 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 Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency ("FEMA"), requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program.
  - (6) *Disclaimer of liability.* This article shall not create liability on the part of Manatee County Board of County Commissioners of Unincorporated Manatee County or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.
- (b) *Duties and powers of the floodplain administrator.*
- (1) *Designation.* The building official 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 2-10-21(f) of this article.
  - (3) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the county, 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;
    - 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 reasonably safe from flooding;
    - G. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including

buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or deny approval of same upon finding non-compliance with the provisions of this article; 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, change of occupancy, 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 of the building or structure, or require the applicant to obtain an appraisal of the market value, prepared by a Florida licensed qualified 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. Upon the request of the floodplain administrator, the applicant shall furnish a complete detailed breakdown of all labor and materials for the construction projects and all costs necessary to evaluate the substantial improvement and substantial damage requirement;
  - C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" and previous permits issued to repair flood-related damage as specified in the definition of "substantial damage"; and
  - D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage such 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 2-10-21(f) 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 the required inspections as specified in section 2-10-21(e) 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 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 2-10-21(b)(4) of this article;
  - B. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, state floodplain management office, and submit copies of such notifications to 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 six (6) months of such data becoming available;
  - D. Review required design certifications and documentation of elevations specified by this article and the Florida Building Code and this article to determine that such certifications and documentations are complete;
  - E. Notify the Federal Emergency Management Agency when the corporate boundaries of Unincorporated Manatee County are modified; and
  - F. Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."
- (9) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this 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 records management division of the property management department at 1112 Manatee Avenue West, Bradenton, Florida.

(c) *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.

- A. *Agreement to limitations in flood hazard areas.* Applications for elevated buildings in flood hazard areas shall include a statement of agreement which shall be recorded with the Manatee County Clerk of Circuit Court stating the following:
  - 1. There shall be no additional finishes, partition walls, plumbing fixtures, air conditioning, or electrical devices except as necessary for safety, installed below the design flood elevation;
  - 2. Enclosed areas below the design flood elevation shall only be used for vehicle parking, limited storage of yard maintenance equipment or to provide the minimum necessary entry access to the first living level above.
- (2) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- (3) 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 or approvals 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:
  - A. Railroads and ancillary facilities associated with the railroad.
  - B. Nonresidential farm buildings on farms, as provided in Section 604.50, Florida Statutes.
  - C. Temporary buildings or sheds used exclusively for construction purposes.
  - D. Mobile or modular structures used as temporary offices.
  - E. Those structures or facilities of electric utilities, as defined in Section 366.02, Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity.
  - F. 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.
  - G. Family mausoleums not exceeding two hundred fifty (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.



- H. Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
  - I. Structures identified in Section 553.73(10)(k), Florida Statutes, are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.
- (4) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
- A. Identify and describe the development to be covered by the permit or approval.
  - 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 occupancy for which the proposed development is intended.
  - D. Be accompanied by a site plan or construction documents as specified in section 2-10-21(d) of this article.
  - E. State the valuation of the proposed work.
  - F. Be signed by the applicant or the applicant's authorized agent.
  - G. Give such other data and information as required by the floodplain administrator.
- (5) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other ordinance of this 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.
- (6) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of no more than one hundred eighty (180) days each shall be requested in writing by submitting an application to the floodplain administrator and justifiable cause shall be demonstrated to the satisfaction of the floodplain administrator such that any extension would not endanger the public health, safety and welfare.
- (7) *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 this county.
- (8) *Other permits required.* Floodplain development permits and building 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 Southwest Florida Water Management District; Section 373.036, Florida Statutes.
  - B. Florida Department of Health for onsite sewage treatment and disposal systems; Section 381.0065, Florida Statutes and Chapter 64E-6, F.A.C.

- C. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; Section 161.141, Florida Statutes.
- D. Florida Department of Environmental Protection for activities subject to the joint coastal permit; Section 161.055, Florida Statutes.
- E. 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.
- F. Federal permits and approvals.

(d) *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 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 2-10-21(d)(2)(B) or (C) of this article.
  - C. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (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 2-10-21(d)(2)(A) of this article.
  - D. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, and Coastal A Zones, new buildings shall be located landward of the reach of mean high tide, or twenty-five (25) feet landward of the shoreline, whichever is greater.
  - 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. Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
  - H. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
  - I. Existing and proposed alignment of any proposed alteration of a watercourse.
  - J. 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:
- 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 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:
    - (i) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
    - (ii) 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.* In addition to the requirements of this section and in consideration of the location and nature of the proposed development activity, the applicant shall submit the following analyses signed and sealed by a Florida licensed engineer to the floodplain administrator at such time as the site plan and constructions documents are submitted to the county:
- 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, and no adverse impact on the adjacent properties caused by increases in flow, velocity, or erosion; if 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 2-10-21(d)(4) of this article and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
  - B. For development within fifty (50) feet of a floodway boundary, an encroachment analysis in accordance with paragraph A of this section is required. The applicant may seek relief from this requirement by submitting detailed engineering data, signed and sealed by a registered professional engineer, describing any natural features and development which may have a mitigating effect on the hazards of swift flowing waters normally associated with floodways. The floodplain administrator has the discretion to accept such engineering data in lieu of analyses.

- C. 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 that demonstrate 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 foot at any point within the county. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.
  - D. 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 a certification shall be submitted to demonstrate that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity. The applicant shall submit this analysis to FEMA as specified in section 2-10-21(d)(4) of this article.
  - E. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (zone V) and Coastal A Zones, an engineering analysis shall be submitted that demonstrates that the proposed alteration will not increase the potential for flood damage.
- (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 shall be the responsibility of the applicant.
- (e) *Inspections.*
- (1) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.
    - A. *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.
    - B. *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this article and the conditions of approved floodplain development permits or approvals.
    - C. *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:

- (i) 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
    - (ii) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 2-10-21(d)(2)C.(ii) 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.
  - D. *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 2-10-21(e)(1)C. of this article.
  - E. *Manufactured homes.* The floodplain administrator shall inspect 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.
- (f) *Variances and appeals.*
- (1) *General.* The hearing officer shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to Section 553.73(5), Florida Statutes, the hearing officer shall hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements of the Florida Building Code, article VI, division 5 of chapter 2-2 of the Manatee County Code regarding hearing officers. This section does not apply to Section 3109 of the Florida Building Code, Building.
  - (2) *Appeals.* The hearing officer 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 hearing officer, including Manatee County, may appeal the final decision to the circuit court, as provided by Florida Statutes. Such appeal must be filed within thirty (30) days of issuance of the final decision.
  - (3) *Limitations on authority to grant variances.* The hearing officer shall base its decisions on variances on technical justifications submitted by applicants, as specified in the burden of proof for issuance of variances in section 2-10-21(f)(8) of this article, the criteria of issuance set forth in section 2-10-21(f)(7) of this article and a determination of consistency prepared by the floodplain administrator, prior to scheduling of the public hearing. The hearing officer shall consider the comments and recommendations of the floodplain administrator and the building official. The hearing officer has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.
  - (4) *Restrictions in floodways.* 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 2-10-21(d)(3) of this article.

- (5) *Historic buildings.* An application for administrative variance may be submitted to the floodplain administrator for the reconstruction, addition, repair, rehabilitation, alteration, or other improvement 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 12 Historic Buildings.
- A. The floodplain administrator has the authority to grant administrative variances. A determination by the Florida State Historic Preservation Officer is required prior to the approval of administrative variances determining that the proposed reconstruction, addition, repair, rehabilitation, alteration, or other improvement, 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.
  - B. If the proposed work precludes the building's continued designation as an historic building as determined by the Florida State Historic Preservation Officer, a variance shall not be granted and the building and any reconstruction, addition, repair, rehabilitation, alteration, or other improvement, shall be subject to the requirements of the Florida Building Code.
- (6) *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 2-10-21(f)(4), is the minimum necessary considering the flood hazard, and all due consideration has been given to the use of methods and materials that minimize flood damage during occurrence of the base flood.
- (7) *Criteria for issuance of variances.* In reviewing requests for variances, the hearing officer shall consider all technical evaluations, all relevant factors, 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 county;
  - 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 ability to evacuate people in advance of impending flood in a timely manner, and 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.
- (8) *Burden of proof 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 hearing officer 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, and the Notice of Disclaimer provided by the floodplain administrator, 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 , for the life of the structure that the variance was granted. The Notice of Disclaimer shall state the following: "The variance does not run with the land and applies only to the current structure and use. Any change in the structure (substantial damage, etc.) or use may invalidate this variance."; 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 twenty-five dollars (\$25.00) for one hundred (\$100.00) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(g) *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 permit, that is in conflict with an issued 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 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.

## **Sec. 2-10-22. - Terminology; definitions.**

- (a) Unless otherwise expressly stated, the following words and terms shall, for the purpose of this article, have the meanings shown in this section. 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. 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.

*Accessory structure.* A structure, the use of which is incidental to that of the main structure, and which is located on the same lot as the main building. For floodplain management purposes, accessory structures are used only for vehicle parking and storage, and must represent minimal investment.

*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.

*Appeal.* A request for a review of the floodplain administrator's interpretation of any provision of this article or a request for a variance.

*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.

*Base flood.* A flood having a one-per cent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "one-per cent-annual chance flood."

*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).

*Basement.* The portion of a building having its floor subgrade (below ground level) on all sides.

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



*Coastal A Zone.* Area within a special flood hazard area, landward of a V zone or landward of the open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 1-1/2 feet (457 mm). The inland limit of the coastal A zone is (a) the Limit of Moderate Wave Action (LiMWA) if delineated on a FIRM, or (b) designation by the floodplain administrator.

*Coastal high hazard area (CHHA).* A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on flood insurance rate maps (FIRM) as Zone VI-V30, VE, or V.

*Design flood.* The flood associated with the greater of the following two (2) areas:

- (1) Area with a floodplain subject to a one-per cent 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.

*Cost (Floodplain Management)* shall mean the dollar value, actual or estimated, of all material, equipment and labor used in the reconstruction, addition, repair, rehabilitation, alteration, or other improvement of a structure.

*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. In areas designated as zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet.

*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.

*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.

*Existing building and existing structure.* Any buildings and structures for which the "start of construction" commenced before November 12, 1974.

*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 November 12, 1974.

*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).

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

*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.

*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.

*Flood hazard area.* The greater of the following two (2) areas:

- (1) The area within a floodplain subject to a one-per cent 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.

*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.

*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.

*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).

*Floodplain development permit or approval.* An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this article.

*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 one foot.

*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.

*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.

*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.

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

*Historic structure.* Any structure that is determined eligible for the exception (variance) to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 44 Historic Buildings.

*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:

*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.

*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.

*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.

*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.

*Light-duty truck.* As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (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 twelve (12) persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

*Limit of Moderate Wave Action (LiMWA).* Line shown on FIRMs to indicate the inland limit of the 1 ½-foot (457 mm) breaking wave height during the base flood.

*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.

*Manufactured home.* A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (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."

*Manufactured home park or subdivision.* A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

*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 shall be established by tax assessment value adjusted to approximate market value by a factor provided by the property appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or established by a Florida licensed appraiser.

*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 November 12, 1974, and includes any subsequent improvements to such structures.

*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 November 12, 1974.

*Park trailer.* A transportable unit which has a body width not exceeding fourteen (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.

*Recreational vehicle.* A vehicle, including a park trailer, which is:

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

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

*Special Flood Hazard Area (SFHA).* An area in the floodplain subject to a one-per cent 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. The special flood hazard area is commonly referred to as the one hundred (100) year floodplain.

*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 one hundred eighty (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.

*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 fifty (50) per cent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) per cent of the market value of the structure before damage occurred.

*Substantial demolition.* The demolition of fifty (50) per cent or more of the structural components of a building or structure. The components are given the value of:

Twenty-five (25) per cent for the roof system

Twenty (20) per cent for the foundation

Twenty (20) per cent for the exterior perimeter

Ten (10) per cent for windows and doors

Ten (10) per cent for interior components

Five (5) per cent for utility systems

Five (5) per cent for built-in features

Five (5) per cent for attached extensions

Each component will be evaluated for the prorated percentage that is proposed to be demolished. If the total equals or exceeds fifty (50) per cent, the structure shall be considered substantially improved.

*Substantial improvement.* Any combination of reconstruction, addition, repair, rehabilitation, alteration, or other improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds fifty (50) per cent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the certificate of completion or the certificate of occupancy of the first improvement or repair of that building or structure subsequent to January 1, 2014 . If substantial demolition is proposed, the structure shall be considered substantially improved. 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 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.

*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.

*Watercourse.* Any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks or other discernible boundary. *Watercourse* shall not include irrigation and drainage ditches constructed in the uplands which are not more than thirty-five (35) square feet in total cross section area and which normally has a water depth of no more than three (3) feet, provided they are not in and do not directly connect to Outstanding Florida Waters, Class I Waters and Class II Waters.

#### **Sec. 2-10-23. - Area of applicability.**

- (a) For the purposes of jurisdictional applicability, this article shall apply to all areas of Unincorporated Manatee County. This article shall also apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the date this article goes into effect.
  - (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 Unincorporated Manatee County, as established in section 2-10-23(a)(3) of this article.
  - (3) *Basis for establishing flood hazard areas.* The "Flood Insurance Study for Manatee County, Florida, and Incorporated Areas" dated March 17, 2014, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM) and flood boundary and floodway maps, 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 Building and Development Services Department at 1112 Manatee Avenue West, Bradenton, Florida.
    - A. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to section 2-10-21(d) 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:
      - (i) 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.
      - (ii) 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.
  - (4) *Other laws.* The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

- (5) *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.
- (6) *Interpretation.* FEMA guidance publications, including the Substantial Improvement/Substantial Damage Desk Reference, FEMA technical bulletins and subsequent guidance publications and FEMA technical bulletins shall be the basis for interpretation of the applicable provisions of the *Florida Building Code* and this article. 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 state statutes.

#### **Sec. 2-10-24. - Flood-resistant development.**

##### **(a) *Buildings and structures.***

- (1) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to section 2-10-21(c)(3) 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 2-10-24(g) of this article.
- (2) *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:
  - A. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
  - B. Minor structures and non-habitable major structures as defined in section 161.54, Florida Statutes, shall be designed and constructed to comply with the intent and applicable provisions of this article and ASCE 24.
- (3) *Detached accessory structures.* Detached accessory structures with walls and roofs are permitted at grade if used only for parking and storage and comply with Section 2-10-24(g)(1) of this article. Walls shall have flood openings. In coastal high hazard areas (Zone V) and Coastal A Zones, structures shall have breakaway walls.

##### **(b) *Subdivisions.***

- (1) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, 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; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
  - (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 fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations shall be determined in accordance with section 2-10-21(d)(2)A. of this article; and
    - C. Site improvement and utilities requirements shall be in compliance with section 2-10-24(c) of this article.
- (c) *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; and
    - 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; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
  - (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 on-site 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 floodwaters, 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. Backflow prevention devices are required for systems



connected to the Manatee County Public Water Supply and systems connected to private and public water wells.

- (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 floodway encroachment analysis required in section 2-10-21(d)(3)A. of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation. Storage areas for hazardous or acutely hazardous waste material and other hazardous substance material, including fuel storage tanks, are prohibited in regulatory floodways.
  - (5) *Limitations on sites within fifty (50) feet of floodways.* Buildings are prohibited within fifty (50) feet of a floodway boundary unless the analysis required in Section 2-10-21(d)(3)(B) demonstrates no adverse impacts, or substantiated engineering data are accepted by the floodplain administrator.
  - (6) *Limitations on sites adjacent to watercourses without regulatory floodways.* No encroachments, including fill and structures, shall be located within thirty (30) feet horizontally from each side at the shoreline, unless more restrictive setbacks are required elsewhere.
  - (7) *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.
  - (8) *Limitations on sites in coastal high hazard areas (zone V) ,and Coastal A Zones.* In coastal high hazard areas, and Coastal A Zones:
    - A. Buildings and structures shall be landward of the reach of mean high tide or twenty-five (25) feet landward of the reach of the shoreline, whichever is greater.
    - B. Swimming pools and screened pool cages located at grade level may be located within five (5) feet of a vertical seawall, provided the seawall is adequately designed to support the surcharge load and certified engineering analyses are provided documenting pools and pool cages are not subject to flotation, collapse or lateral movement during conditions of flooding, including storm surge and backflow.
    - C. Buildings and structures shall be landward of the reach of mean high tide or twenty-five (25) feet landward of the reach of the shoreline, whichever is greater.
    - D. Water dependent uses, mobile homes, and recreational vehicles structures shall be landward of the reach of mean high tide.
    - E. Alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section 2-10-21(d)(3)E. of this article demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 2-10-24(g)(8)C. of this article.
- (d) *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, Florida Statutes, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
  - A. Limitations on installations in floodways and coastal high hazard areas (zone V) and Coastal A Zones. New installations of manufactured homes shall not be permitted in floodways or coastal high hazard areas (zone V) and Coastal A Zones, except in existing manufactured home parks or subdivisions.
  - B. Adequate surface drainage and access for home installer shall be provided.
- (2) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
  - A. In flood hazard areas (zone A) other than coastal high hazard areas and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this article.
  - B. In coastal high hazard areas (zone V) and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 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 section 2-10-24(d)(4)A. or 2-10-24(d)(4)B. of this article, as applicable.
  - A. *General elevation requirement.* Unless subject to the requirements of section 2-10-24(d)(4)(B) of this article, all manufactured homes that are placed, replaced, or substantially improved on sites located:
    - (i) Outside of a manufactured home park or subdivision;
    - (ii) In a new manufactured home park or subdivision;
    - (iii) In an expansion to an existing manufactured home park or subdivision; or
    - (iv) In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (zone A) or Section R322.3 (zone V) and Coastal A Zones.
  - B. *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to section 2-10-24(d)(4)A. of this article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or

subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- (i) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (zone A) or Section R322.3 (zone V) and Coastal A Zones; or
  - (ii) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.
- (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, as applicable to the flood hazard area.
- (6) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other services facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.
- (e) *Recreational vehicles and park trailers.*
  - (1) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall not be placed in floodways except in existing recreational parks, and shall:
    - A. Be on the site for fewer than one hundred eighty (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 2-10-24(e)(1) of this article for temporary placement shall meet the requirements of section 2-10-24(d) of this article for manufactured homes.
- (f) *Tanks.*
  - (1) *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.
  - (2) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of section 2-10-24(f)(3) of this article shall:
    - A. Be permitted in flood hazard areas (zone A) other than coastal high hazard areas and Coastal A Zones, 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.
    - B. Not be permitted in coastal high hazard areas (zone V) and Coastal A Zones.
  - (3) *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.

(4) *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.

(g) *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 2-10-24(c)(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 2-10-24(c)(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 2-10-24(c)(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 2-10-24(c)(4) of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 2-10-21(d)(3)C. of this article.

(5) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (zone V) and Coastal A Zones.* In coastal high hazard areas and Coastal A Zones, 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:

- A. Structurally independent of the foundation system of the building or structure;

- B. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
  - C. Have a maximum slab thickness of not more than four (4) inches.
- (6) *Decks and patios in coastal high hazard areas (zone V) and Coastal A Zones.* In addition to the requirements of the Florida Building Code, in coastal high hazard areas and Coastal A Zones decks and patios shall be located, designed, and constructed in compliance with the following:
- A. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
  - B. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
  - C. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
  - D. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.
- (7) *Other development in coastal high hazard areas (zone V) and Coastal A Zones.* In coastal high hazard areas and Coastal A Zones, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
- A. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
  - B. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
  - C. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

- (8) *Nonstructural fill in coastal high hazard areas (zone V) and Coastal A Zones.* In coastal high hazard areas and Coastal A Zones:
- A. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
  - B. Nonstructural fill with finished slopes that are steeper than one unit vertical to five (5) units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
  - C. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

**Sec. 2-10-25. - The Florida Building Code, Residential, Chapter 3; amended.**

The Florida Building Code, Residential, , is hereby amended as follows with new text indicated by underline and deleted text by strike-out:

- (a) Modify Section 322.2.1, Florida Building Code, Residential as follows:

*R322.2.1 Elevation requirements.*

1. 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 design flood elevation, whichever is higher including flood hazard areas 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.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floor elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus one foot, or at least 3 feet, 2 feet (610 mm) if a depth number is not specified. to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 1 foot, or not less than 4 feet if a depth number is not specified.
4. 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 elevation, whichever is higher.

**Exception:** Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.

- (b) Modify Section 322.3.2. Florida Building Code, Residential as follows:

*R322.3.2. Elevation requirements.*

1. All buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot (305 mm) or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

- (c) Modify Section R322.2.2 Florida Building Code, Residential as follows:

*R322.2.2 Enclosed areas below design flood elevation.* Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations.

- (d) Modify Section R322.3.3 Florida Building Code, Residential as follows:

*R322.3.3 Foundations.* Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.4. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.6. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to

scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24. Slabs, pools, pool decks and walkways shall be located and constructed to be structurally independent of buildings and structures and their foundations to prevent transfer of flood loads to the buildings and structures during conditions of flooding, scour or erosion from wave-velocity flow conditions, unless the buildings and structures and their foundations are designed to resist the additional flood load.

**Exception:** In Coastal A Zones, stem wall foundations supporting a floor system above and backfilled with soil or gravel to the underside of the floor system shall be permitted provided the foundations are designed to account for wave action, debris impact, erosion and local scour. Where soils are susceptible to erosion and local scour, stem wall foundations shall have deep footings to account for the loss of soil.

(e) Add to Section 322.3.4, Florida Building Code, Residential as follows:

5. Areas fully enclosed by walls designed to break away shall not exceed a total of 299 square feet as measured on the outside. There shall be one inch clear space between the sides of the adjacent panel. The clear space may be caulked. Flood openings as required pursuant to the provisions of R322.2.2 shall be provided.
6. Areas enclosed in excess of 299 square feet shall only be enclosed with lattice or decorative screening or by walls designed to break away and separated by a clear space of a minimum of 1 foot from each column or piling. All such enclosures shall have a net open free area equal to twenty-five (25) per cent of each wall surface.

(f) Modify Section 322.3.5, Florida Building Code, Residential as follows:

*R322.3.5 Enclosed areas below the design flood elevation.* Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code.

## **Sec. 2-10-26. - The Florida Building Code, Building Chapter 2 and Chapter 16; amended.**

The Florida Building Code, Building Chapter 2 is hereby amended to revise the definitions of "Substantial Damage" and "Substantial Improvement" and Section 1612 is hereby amended as follows with additions to text indicated by underline and deletions by strikeout.

(a) Modify Section 202 , Florida Building Code, Building as follows:

**Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 per cent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on average, equals or exceeds 25 per cent of the market value of the structure before the damage occurred.



- (b) Modify Section 202 , Florida Building Code, Building as follows:

Substantial Improvement. Any combination of repair, alteration, reconstruction, rehabilitation, addition or improvement of a building or structure reconstruction, addition, repair, rehabilitation, alteration, or other improvements, taking place during a 1-year period, the cumulative cost of which equals or exceeds the market value of the building or structure before the improvement or repair is started. For each building or structure, the 1-year period begins on the date of the certificate of completion or certificate of occupancy of the first improvement or repair of that building or structure subsequent to January 7, 2014. If substantial demolition is proposed, the structure shall be considered substantially improved. If the structure has sustained 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 that the alteration will not preclude the structure's continued designation as a historic structure.

- (c) Modify Section 1612.4, Florida Building Code, Building as follows:

**1612.4.1 Modification of ASCE 24. Reserved.** Table 6-1 and Section 6-2 in ASCE 24 shall be modified as follows:

1. The title of Table 6.1 shall be "Minimum Elevation of Floodproofing, Relative to Base Flood Elevation (BFE) or Design Flood Elevation (DFE), in Coastal A Zones and in Other Flood Hazard Areas that are not High Risk Flood Hazard Areas."
2. Section 6.2.1 shall be modified to permit dry floodproofing in Coastal A Zones, as follows: "Dry floodproofing of nonresidential structures and nonresidential areas of mixed-use structures shall not be allowed unless such structures are located outside of High Risk Flood Hazard areas and Coastal High Hazard Areas. Dry floodproofing shall be permitted in Coastal A Zones provided wave loads and the potential for erosion and local scour are accounted for in the design. Dry floodproofing of residential structures or residential areas of mixed-use structures shall not be permitted."

**1612.4.2 Modification of ASCE 24 (Coastal A Zone).** Section 4.5.13 in ASCE 24 shall be modified as follows:

4.5.13 Stem Walls In Coastal High Hazard Areas and Coastal A Zones, stem walls shall not be permitted.

In Coastal A Zones, stem walls enclosing areas below the design flood elevation shall not be permitted. Stem walls supporting a floor system above and backfilled with soil or gravel to the underside of the floor system above shall be permitted where a shallow foundation in accordance with Section 4.5.1.2 is permitted to support the wall. Stem walls shall be designed to transfer all vertical and lateral forces to the slab above and to the foundation elements below. The design shall consider all forces resulting from flooding, including wave action, debris impact, erosion, and local scour. Where soils are susceptible to erosion and local scour, stem walls shall have deep footings. The

stem wall design shall consider all forces resulting from soil pressure behind the walls, including the effect of hydrostatic loads, and all live and dead surcharge loads from the slab above. Flood openings shall not be required in stem walls constructed in accordance with this section.

(d) Add Section 1612.4.3, Florida Building Code, Building as follows:

**1612.4.3 Elevation requirements.** The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 1 foot (305 mm), whichever is higher.

## **Sec. 2-10-27. - The Florida Building Code, Existing Building, Chapter 2; amended.**

The Florida Building Code, Existing Building, Chapter 2, Definitions, Section 202, Definitions, is hereby amended to amend the definition of "Substantial Damage" and "Substantial Improvement."

(a) Section 202, Florida Building Code, Existing Building. Modify definition as follows:

Substantial Damage. Damage of any origin sustained by a structure whereby the cost restoring the structure to its before-damaged condition would equal or exceed 50 per cent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

(b) Section 202, Florida Building Code, Existing Building. Modify definition as follows:

Substantial Improvement. For the purposes of determining compliance with the flood provisions of this code, any combination of reconstruction, addition, repair, rehabilitation, alteration, or other improvement taking place during a 1-year period, the cumulative cost of which equals or exceeds the market value of the building or structure before the improvement or repair is started. For each building or structure, the 1-year period begins on the date of the certificate of completion or certificate of occupancy of the first improvement or repair of that building or structure subsequent to January 1, 2014. If substantial demolition is proposed, the structure shall be considered substantially improved. If the structure has sustained 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 that the alteration will not preclude the structure's continued designation as a historic structure.

## **Secs. 2-10-28—2-10-50. - Reserved**