



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 29, 2022

Ms. Nikki Alvarez-Sowles, Esq.
Pasco County Clerk and Comptroller
The East Pasco Governmental Center
14236 6th Street, Suite 201
Dade City, Florida 33523

Attention: Jessica Popplewell

Dear Nikki Alvarez-Sowles:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pasco County Ordinance No. 22-42, which was filed in this office on August 26, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE SECTION 1104 FLOOD DAMAGE PREVENTION TO BRING THE COUNTY'S FLOOD DAMAGE PREVENTION REGULATIONS IN LINE WITH THE MODEL ORDINANCE APPROVED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND TO COORDINATE WITH CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, OF THE PASCO COUNTY CODE OF ORDINANCES; AMENDING LAND DEVELOPMENT CODE APPENDIX A DEFINITIONS; AND OTHER SECTIONS, AS NECESSARY FOR INTERNAL CONSISTENCY; INCORPORATING FEMA'S MOST RECENT FLOOD INSURANCE STUDY FOR PASCO COUNTY ESTABLISHING AREAS OF SPECIAL FLOOD HAZARDS; RE-CODIFYING BUILDING OFFICIAL TO PERFORM ANALYSIS FOR BUILDING PERMIT APPLICATIONS ON STRUCTURES WITHIN FLOOD HAZARD AREAS AND PROVIDING METHOD/PROCESS FOR SUCH ANALYSIS; REQUIRING SIGNED "DECLARATION OF LAND RESTRICTION" (NONCONVERSION AGREEMENTS) FOR PROJECTS PROPOSING TO ENCLOSE AREAS UNDER ELEVATED BUILDINGS, CERTAIN CRAWL SPACES AND CERTAIN ACCESSORY STRUCTURES; RE-CODIFYING COUNTY APPROVAL FOR LETTERS OF MAP CHANGES TO FEMA; RE-CODIFYING ENCROACHMENT, DEVELOPMENT, AND FILL ON PROPERTIES WITHIN FLOODWAYS; ADDING AND/OR RE-CODIFYING RESTRICTIONS ON LOCATION OF CRITICAL FACILITIES, DETACHED ACCESSORY STRUCTURES, MANUFACTURED HOMES, RVS, PARK TRAILERS, TANKS, DECKS, PATIOS, AND OTHER DEVELOPMENT IN FLOODWAYS; RE-CODIFYING FEMA GUIDANCE, PUBLICATIONS, AND TECHNICAL BULLETINS BY REFERENCE; REQUIRING DATA TO BE PROVIDED IN AREAS IDENTIFIED AS SHEET FLOW AND PONDING; PROVIDING A VARIANCE PROCESS FOR CERTAIN AGRICULTURAL STRUCTURES; ADDITIONAL SPECIFIC FINDINGS REQUIRED FOR VARIANCES; PROVIDING FOR OR AMENDING THE FOLLOWING DEFINITIONS: ACCESSORY STRUCTURE, AGRICULTURAL STRUCTURE, CRITICAL FACILITY, DECLARATION OF LAND RESTRICTION (NON -CONVERSION AGREEMENT), EXISTING MANUFACTURED HOME PARK OR SUBDIVISION, EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION, FLOOD HAZARD AREA, HISTORIC STRUCTURE, LETTER OF MAP CHANGE (LOMC), MARKET VALUE, NEW MANUFACTURED HOME PARK OR SUBDIVISION, AND PARK TRAILER "PARK MODEL"; PROVIDING FOR APPLICABILITY; REPEALER; PROVIDING FOR SEVERABILITY; INCLUSION INTO THE LAND DEVELOPMENT CODE, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, Pasco County has broad home rule powers to carry out county government, including the power to adopt ordinances to provide for the common good; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Pasco County and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and

general welfare, and

WHEREAS, the Pasco County Building Construction Services, in cooperation with the Florida Division of Emergency Management, reviewed the Chapter 1100, Section 1104 Flood Damage Prevention, and Appendix A Definitions, and determined amendments are appropriate to bring the County's flood damage prevention regulations in line with the model ordinance approved by the Federal Emergency Management Agency and to coordinate with Chapter 18, Buildings and Building Regulations, of the Code of Ordinances; and

WHEREAS, the provisions codified in the Board of County Commissioners is required under Section 553.80, Florida Statutes, to enforce the Florida Building Code on all public and private buildings, structures, and facilities; and

WHEREAS, the Local Planning Agency, on July 7, 2022, and July 21, 2022, held public hearings, on the proposed amendments to the Land Development Code and found the proposed amendments consistent with the Pasco County Comprehensive Plan; and recommended approval to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners on August 9th, 2022, and August 24th, 2022, held public hearings, with a quorum attending and voting through Communications Media Technology, where the Board considered all oral and written comments, including staff reports and information received, during said public hearings and found the proposed amendments consistent with the Pasco County Comprehensive Plan; and

WHEREAS, the citizens of Pasco County were provided with ample opportunity for comment and participation in this amendment process; and

WHEREAS, the Board hereby finds this Ordinance to be in the best interest of the public health, safety, and welfare of the citizens of Pasco County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, with a quorum attending and voting through Communications Media Technology, as follows:

SECTION 1. AUTHORITY.

This ordinance is enacted pursuant to Chapter 125, Florida Statutes, and under the home rule powers of the County.

SECTION 2. LEGISLATIVE FINDINGS OF FACT.

The foregoing Whereas clauses, incorporated herein, are true and correct.

SECTION 3. APPLICABILITY AND EFFECT ON EXISTING DEVELOPMENT PROPOSALS.

This Ordinance shall apply to all applications for development, including development permit applications submitted on or after September 3, 2022.

SECTION 4. LAND DEVELOPMENT CODE AMENDMENTS.

The Pasco County Land Development Code is hereby amended as shown and described in strikethrough/underline format in Attachment 1 and Attachment 2, attached hereto and made a part hereof.

SECTION 5. REPEALER.

Any and all prior ordinances in conflict herewith, are repealed to the extent of any conflict.

SECTION 6. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in the unincorporated areas of Pasco County. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 7. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

SECTION 8. EFFECTIVE DATE.

A certified copy of the Ordinance shall be transmitted to the Florida Department of State by the

Clerk to the Board by electronic mail within ten (10) days after adoption of this Ordinance. This Ordinance shall take effect on September 3rd, 2022.

ADOPTED with a quorum present and voting this 24th day of August 2022.



Nikki Alvarez-Cowles, Esq.

PASCO COUNTY CLERK & COMPTROLLER

APPROVED
IN SESSION

AUG 24 2022

PASCO COUNTY
BCC

BOARD OF COUNTY
COMMISSIONERS
OF PASCO COUNTY, FLORIDA

Kathryn Starkey

Kathryn Starkey
CHAIRMAN

ATTACHMENT A

CHAPTER 1100. SPECIAL DEVELOPMENT STANDARDS

SECTION 1104. FLOOD DAMAGE PREVENTION

1104.1. Intent and Purpose

The special flood hazard areas of the County are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Flood losses are caused by the cumulative effect of obstructions in floodplains, occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages. These contribute to an increase in flood heights and velocities.

The County joined the National Flood Insurance Program (NFIP) on November 18, 1981. Continued implementation and enforcement of the requirements of the NFIP through this section will enable the County and its property owners to continue to participate in the NFIP.

It is the intent and purpose of this Code, Section 1104 to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions by:

- A. Restriction of uses which are dangerous to health, safety, and property and minimize public and private losses due to flood conditions;
- B. Requiring uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- D. Controlling land filling, grade changes, dredging, and other development where such activities will cause or increase erosion or flood damage or inhibit floodwaters; and
- E. Regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this Code, Section 1104, are to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood-control projects;

- C. Minimize the need for rescue and relief efforts associated with flooding; generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and street and bridges located in floodplains; and
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas; and
- G. Ensure that potential homebuyers are notified that property is in a flood area.

This Code, Section 1104, is intended to be administered and enforced in conjunction with the *Florida Building Code*, as amended by Pasco County. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

1104.2. **Applicability**

This Code, Section 1104 shall apply to all development on land where any portion of the development is within a special flood hazard area in unincorporated Pasco County, including development that does not otherwise require a Site Development or Building Permit, and buildings, structures, and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, such as:

- A. Railroads and ancillary facilities associated with the railroad.
- B. Nonresidential farm buildings on farms, as provided in Section 604.50, F.S.
- 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, F.S., 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. 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 nonwood features.
- G. Temporary housing, not on State lands, provided by the Florida Department of Corrections to any prisoner in the state correctional system.

- H. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled onsite or preassembled and delivered to the site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- I. A non-rented or leased building or structure which is not a principal residence nor connected to an offsite electric power or water supply, having less than 1,000 square feet which is constructed and owned by a natural person for hunting, and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, Section 553.73(10)(k), F.S..

It is intended that the interpretation and application of all provisions in this section be:

- Considered as minimum requirements;
- Liberally construed in favor of the governing body; and
- Deemed neither to limit nor repeal any other powers granted under State Statute.

The degree of flood protection required by this Code, Section 1104, and the *Florida Building Code*, as amended by Pasco County, 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 manmade natural causes. This Code, Section 1104, and the *Florida Building Code*, as amended by Pasco County, 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 (FIRM) 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 Pasco County to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this Code, Section 1104, and the *Florida Building Code*, as amended by Pasco County.

This Code, Section 1104, and the *Florida Building Code*, as amended by Pasco County, shall not create liability on the part of the Board of County Commissioners of Pasco County or any officer or employee thereof, for any flood damage that results from reliance on this Code, Section 1104 and the *Florida Building Code*, as amended by Pasco County, or any administrative decision lawfully made thereunder.

1104.3. **Establishment of Areas of Special Flood Hazard**

The areas of special flood hazard identified by FEMA in the Flood Insurance Study for Pasco County, Florida, and incorporated areas, dated June 5, 2020, with accompanying maps, including maps in digital format, and other supporting data and any amendments and revisions thereto, are adopted by reference and incorporated herein. The flood insurance study and maps are on file in the office of the County Administrator or designee.

1104.4. **Floodplain Administrator**

The Board of County Commissioners hereby appoints the County Administrator, or designee, to administer and implement this section. The duties shall include, but not be limited to, all of the following:

- A. Review development applications to determine whether proposed new development will be located in flood hazard areas.
- B. Review all development applications to ensure that the permit requirements of this section have been satisfied.
- C. Review development applications to determine whether proposed development will be reasonably safe from flooding.
- D. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage.
- E. Make final determinations on development permits for developments that are not subject to the *Florida Building Code*, including buildings, structures, and facilities exempt from the *Florida Building Code*.
- F. For applications for building permits to improve buildings, structures, and facilities in flood hazard areas, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement or work to such buildings, structures, and facilities, the Floodplain Administrator, in coordination with the Building Official, shall:
 - 1. Estimate the Market Value 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;
 - 2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if both repaired and improved are proposed, to the market value of the building or structure;
 - 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; and
 - 4. Notify the applicant if it is determined that the proposed work constitutes substantial improvement or repair of substantial damage and that

compliance with flood resistant construction requirements of the Florida Building Code and this Code, Section 1104 is required.

- G. Review, in coordination with the Building Official, requests submitted that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the Florida Building Code, as amended by Pasco County, to determine whether such requests require the granting of a variance pursuant to this Code, Section 1104.7.
- H. Make required inspections for development permits that are not subject to the *Florida Building Code*, including buildings, structures, and facilities exempt from the *Florida Building Code*.
- I. Advise the permittee when additional Federal or State permits are required and require that copies of such permits be provided and maintained on file with the Development Permit, including but not limited to:
 - 1. Southwest Florida Water Management District; Section 373.036, F.S..
 - 2. Florida Department of Health for onsite sewage treatment and disposal systems; Section 381.0065, F.S. and Chapter 62, F.A.C.
 - 3. The 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, F.S.
 - 4. The Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; Section 161.055, F.S.
 - 5. The 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.
 - 6. Federal permits and approvals.
- J. Notify adjacent communities, the Florida Division of Emergency Management, State Floodplain Management Office, and other Federal and/or State agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.
- K. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- L. Review required design certifications and documentation of elevations specified by this Code, Section 1104, and the *Florida Building Code*, as amended by Pasco County, to determine that such certifications and documentations are complete.

- M. Provide available flood elevation and flood hazard information.
- N. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Code, Section 1104.7.
- O. When base flood elevation data or floodway data have not been provided on a FIRM, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source in order to administer the provisions of this Code, Section 1104, and the *Florida Building Code*, as amended by Pasco County.
- P. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant.
- Q. 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 FIRMs 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.
- R. Notify FEMA when the unincorporated boundaries of Pasco County are modified.
- S. 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."
- T. All records pertaining to this Code, Section 1104, and the flood provisions of the *Florida Building Code*, as amended by Pasco County, shall be maintained in the office of the County Administrator, or designee, and shall be open for public inspection.

1104.5. **Development Permit and Inspection Procedures**

- A. General
 - 1. Prior to any development in an area of special flood hazard, a Floodplain Development Permit shall be obtained. Application for a Floodplain Development Permit shall be made to the County Administrator or designee on forms furnished or approved by the County.

2. Site (horizontal) development shall follow the application submittal and application processing procedures of this Code.
3. Buildings, structures, and facilities exempt from the *Florida Building Code* (vertical development) shall follow the application submittal and application processing procedures adopted in Chapter 18 of the Pasco County Code of Ordinances.
4. The issuance of a floodplain development permit or approval pursuant to this Code shall not be construed to be a permit for, or approval of, any violation of this Code, the *Florida Building Code*, as amended by Pasco County, or any other ordinance of Pasco County. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the County Administrator, or designee, from requiring the correction of errors and omissions.
5. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
6. The County Administrator, or designee, 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 Code or any other ordinance, regulation, or requirement of Pasco County.
7. The County Administrator, or designee, shall not issue any permit for a structure denied flood insurance coverage by FEMA, pursuant to Section 1316 of the National Flood Insurance Act of 1968, unless the permit is for activities to bring the 1316 structure into compliance with this Code, Section 1104 and the *Florida Building Code*, as amended by Pasco County.

B. Development Permit Application

During the development permit application and review process the following specific information, as applicable, is required in addition to the information required in this Code, Chapter 400, or of the Pasco County Code of Ordinances, Chapter 18:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevations(s), and ground elevations, as necessary for the review of the proposed development.

2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, same shall be established in accordance with this Code, Sections 1104.5.C.2 or 1104.5.C.3.
 3. Where the proposed development seeks approval for more than 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 this Code, Section 1104.5.C.1.
 4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
 5. Elevation in relation to the datum on the FIRM of the proposed lowest floor, including basement, of all buildings or structures.
 6. Elevation in relation to the datum on the FIRM of the proposed lowest horizontal member of all buildings or structures within Velocity (V) Zones.
 7. Elevation in relation to the datum on the FIRM to which any nonresidential building will be dry flood proofed.
 8. Description of the extent to which any mangrove stand or sand dune will be altered as a result of proposed development.
 9. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 10. Certificate from a registered professional engineer or architect that the nonresidential, dry flood-proofed building will meet the dry flood-proofing criteria in the Florida Building Code, as amended by Pasco County.
 11. Certificate from a registered professional engineer or architect that the building will meet the V- Zone criteria in this Code or the Florida Building Code, as amended by Pasco County.
 12. For projects proposing to enclose areas under elevated buildings, crawlspaces more than 5 feet tall, and/or non-elevated detached accessory structures that are larger than 200 square feet, include a signed "Declaration of Land Restriction" (Non-Conversion Agreement); the agreement shall reference the recorded property deed and shall be recorded in the public records of the County prior to issuance of the Certificate of Occupancy.
- C. 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 County Administrator, or designee, shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
 2. 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.
 3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the County Administrator, or designee, to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. 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.
 4. 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.
- D. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this Code, Section 1104, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
1. 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; where the applicant proposes to undertake development activities that increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in this Code, Section 1104.5.E, and shall submit the Conditional and Final Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
 2. 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 (1) foot at any point within the community.

3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity. The applicant shall also submit the analysis to FEMA, as specified in this Code, Section 1104.5.E.
 4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V) if such alteration is approved by the Florida Department of Environmental Protection, an engineering analysis that 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 1104.6.G.8.c of this Code.
- E. 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, subject to county approval, to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on the 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.
- F. Inspections and Certifications. Development permits within a special flood hazard area shall be subject to inspection to determine compliance with this Code, Section 1104.

Prior to the issuance of a Certificate of Occupancy (CO), or where no CO is required, prior to final inspection of the development, manufactured home, building, structure or facility, it shall be the duty of the permit holder to submit to the County Administrator or designee a certification as follows:

1. Within A Zones:
 - a. Elevation (in relation to datum on the FIRM) of the lowest floor (including basement) of all new and substantially improved structures, and
 - b. If the building, structure, or facility, has been flood-proofed, the elevation (in relation to datum on the FIRM) to which the structure, building, or facility was flood-proofed.
2. Within V Zones:

- a. Elevation (in relation to datum on the FIRM) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures.

The said certification shall be prepared by or under the direct supervision of a Florida Licensed Professional Surveyor and certified by the same. When dry flood-proofing is utilized for a particular building, the said certification shall be prepared by or under the direct supervision of a Professional Engineer or architect and certified by the same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The County Administrator, or designee, shall review the lowest floor, lowest horizontal structural member and/or dry flood-proofing elevation and survey data submitted for compliance with this section. The permit holder immediately and prior to the issuance of the CO and/or final inspection of the building, structure, or facility shall correct deficiencies detected by such review. Failure to submit the survey or failure to make the said corrections required hereby shall be cause for a Stop-Work Order to be issued for the project, denial of a CO for the structure, and/or denial of use and/or occupation of the structure.

3. The County Administrator, or designee, shall maintain a record of all such information.

1104.6. **Flood Hazard Reduction**

A. General Standards

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

1. New construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from the hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. Manufactured homes shall comply with Section 1104.6.D.
3. New construction and substantial improvements shall be constructed with flood damage resistant materials and utility equipment resistant to flood damage.
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including ductwork, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. Any alteration, repair, reconstruction, or improvement to a building that was constructed in compliance with the flood damage prevention requirements of Pasco County or the flood resistant provisions of the Florida Building Code shall meet the requirements of "new construction" as contained in this Code, Section 1104, and the Florida Building Code, as amended by Pasco County.
10. Any alteration, repair, reconstruction, or improvement to a building that is not in compliance with the flood damage prevention requirements of Pasco County or the flood resistant provisions of the Florida Building Code, as amended by Pasco County shall be undertaken only if the nonconformity is eliminated or the building is otherwise brought into compliance and the activities shall meet the requirements of "new construction" as contained in this Code, Section 1104, and the Florida Building Code, as amended by Pasco County.
11. Standards for Subdivision and Site Development
 - a. All subdivision and site development proposals shall be consistent with the need to minimize flood damage.
 - b. All new construction in coastal, high-hazard areas (V Zones) shall be landward of the reach of the mean high tide.
 - c. All subdivision and site development proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - d. All subdivision and site development proposals shall have adequate drainage provided to reduce exposure to flood hazards. In Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from proposed structures.
 - e. Base flood elevation data shall be provided for subdivision and site development proposals and other proposed development, including manufactured home parks and subdivisions, which is greater than the lesser of fifty (50) lots or five (5) acres.

- f. No encroachment or development, as defined in Appendix A shall be authorized in the regulatory floodway unless the floodway encroachment analysis in Section 1104.5.D.1 demonstrates that the proposed development or land disturbing activity will not result in an increase in the base flood elevation.
- g. 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 in Zone A, fill shall comply with the requirements of the Florida Building Code.

12. Standards for Design and Construction of Developments, Buildings, Structures, and Facilities Exempt from the Florida Building Code.

- a. Developments, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such developments, buildings, structures, and facilities, shall be designed and constructed in accordance with the flood elevation, flood load, and flood-resistant construction requirements of ASCE 24.
 - b. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with this Code, Section 1104.6.A.
- B. Critical facilities. New critical facilities shall, to the extent feasible, be located outside of special flood hazard areas. If no feasible sites are available outside of special flood hazard areas that allow the facility to serve its intended function, critical facilities shall be elevated or protected to the base flood elevation plus two (2) feet or elevated to or above the 500-year elevation, whichever is higher. Floodproofing measures shall ensure that toxic substances will not be displaced or released into floodwaters.
- C. Detached accessory structures. Detached accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:
- 1. If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are limited to one-story and shall not be larger than 600 sq. ft. and:
 - a. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
 - b. Have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

- c. Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
 - d. Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.
2. If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.
- a. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
 - b. Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
 - c. Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

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, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this Code, Section 1104. Manufactured homes shall not be installed in floodways except in a lawfully existing manufactured home park or subdivision.
- 2. Foundations. All 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, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this Code, Section 1104.
 - b. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this Code, Section 1104.
- 3. Anchoring. All 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. All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to

the flood hazard areas, in the Florida Building Code, Residential Section R322.2 (Zone A) and Section R322.3 (Zone V and Coastal A Zone).

5. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 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 service 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 “Park Models”

1. Temporary placement. Recreational vehicles and park trailers “park models” placed temporarily in flood hazard areas shall:
 - a. Be on the site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use, which means the recreational vehicle or “park model” is on wheels or its internal 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 “park models” that do not meet the standards in Section 1104.6.E.1 of this Code, Section 1104 for temporary placement shall meet the requirements of Section 1104.6.D of this Code, Section 1104 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 1104.6.F.3 of this Code, Section 1104 shall:
 - a. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas (Zone V), 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).
- 3. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation and attached to a supporting structure that is designed to prevent flotation, collapse or lateral movement and the effects of buoyancy 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 ordinance or the Florida Building Code, shall:
 - a. Be located and constructed to minimize flood damage;
 - b. Meet the limitations of Section 1104.6.A.11.f of this Code, Section 1104 if located in a regulated floodway;
 - c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and 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 or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- 2. Fences in regulated floodways shall be permitted. Fences in regulated floodways that have the potential to block the passage of floodwaters or trap debris, such as stockade fences and wire mesh fences, shall meet the standards of Section 1104.6.A.11.f of this Code, Section 1104.

3. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls, sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the standards of Section 1104.6.A.11.f of this Code, Section 1104.
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 1104.6.A.11.f of this Code, Section 1104. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 1104.5.D.3 of this Code, Section 1104.
5. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
 - 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). In addition to the requirements of the Florida Building Code, in coastal high hazard areas 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 Florida Registered Professional Engineer that demonstrates no harmful diversion of floodwaters or wave runup and wave reflection would occur 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). In coastal high hazard areas, 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 a qualified Florida Registered Professional Engineer 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; and
 - 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 62-6.002, F.A.C., as filled systems or mound systems.
- 8. Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

- 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 units horizontal shall be permitted only if an analysis prepared by a qualified Florida Registered Professional Engineer 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.

H. FEMA Guidance and Technical Bulletins

FEMA guidance publications, including the Substantial Improvement/Substantial Damage Desk Reference, as revised. FEMA technical bulletins and subsequent guidance publications and FEMA technical bulletins are incorporated by reference and shall be the basis for interpretation of the applicable provisions of the *Florida Building Code* and of this Code, Section 1104.

1104.7. **Variances**

A. General

The Planning Commission (PC) shall hear and decide on requests for variances from this Code, Section 1104. Pursuant to Section 553.73(5), F.S., the PC 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*. This section does not apply to Section 3109 of the *Florida Building Code*.

B. Application

The variance application shall include all written justification, conceptual plans, site plans, building plans, and citations to the applicable authority and other evidence that is necessary for the PC to determine whether the variance should be granted. References to the Comprehensive Plan, this Code, or other legal authority shall include citations to the specific provisions(s) or authority supporting the conclusion.

C. Public Notice

Notice of the public hearing shall follow the noticing requirements for Timing, Mailed, Published, and Posted Notice and Affidavit of Public Notice in accordance with this Code, Sections 304.2 and 304.3.

D. No Impact Certification within the Floodway

Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.

E. Historic Structures

Variances may be issued for the repair, improvement, or rehabilitation of historic structures that are determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code*, Existing Building, Chapter 12, Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. 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 Code, provided the variance is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

G. Agricultural Structures

A variance is authorized to be issued for the construction or substantial improvement of agricultural structures provided the requirements of this section are satisfied and:

1. A determination has been made that the proposed agricultural structure:
 - a. Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock including aquatic organisms, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.
 - b. Has low damage potential (amount of physical damage, contents damage, and loss of function).

- c. (Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.
 - d. Is not located in a coastal high hazard area (Zone V/VE) or Coastal A Zone, except for aquaculture structures dependent on close proximity to water.
 - e. Complies with the wet floodproofing construction requirements of paragraph (2), below.
2. Wet floodproofing construction requirements.
- a. Anchored to resist flotation, collapse, and lateral movement.
 - b. When enclosed by walls, walls have flood openings that comply with the flood opening requirements of ASCE 24, Chapter 2.
 - c. Flood damage-resistant materials are used below the base flood elevation plus one (1) foot.
 - d. Mechanical, electrical, and utility equipment, including plumbing fixtures, are elevated above the base flood elevation plus one (1) foot.

H. Variance Review Criteria

In reviewing applications, the Planning Commission (PC) shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, as amended by Pasco County, all standards specified in this section; and

- 1. The danger that materials may be swept onto other lands to the injury of others;
- 2. The danger of life and property due to flooding or erosion damage;
- 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- 4. The importance of the services provided by the proposed facility to the community;
- 5. The necessity to the facility of a waterfront location in the case of a functionally dependent use;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. 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.

I. Standards of Review for Approval of Variances

1. Variances shall only be issued when there is:
 - a. 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 Code, 1104, or the required elevation standards;
 - b. A determination that 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; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a "historic structure," a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

J. Notification of Final Determination to Applicant

Any applicant to whom a variance is granted shall be given written notice over the signature of the County Administrator, or designee, that:

1. The difference between the base flood elevation and the elevation to which the lowest floor is to be built;
2. The cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and will result in increased premium rates for flood insurance up to amounts as high as Twenty-Five and 00/100 Dollars (\$25.00) for every One Hundred and 00/100 Dollars (\$100.00) of insurance coverage; and
3. Such construction below the base flood level increases risks to life and property.

A copy of the final determination on the variance request shall be recorded by the County Administrator, or designee, in the Public Records of the County, and the County Administrator, or designee, will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to FEMA.

K. Special Conditions

Upon consideration of the factors listed in this Code, Section 1104.7, the PC may attach such conditions to the granting of variances, as he or she deems necessary, to further the purposes of this Code, Section 1104, and the flood resistant construction requirements of the *Florida Building Code*.

L. Appeals

Any person aggrieved by a decision of the PC may appeal to the Circuit Court.

1104.8. **Violations**

Enforcement of violations shall be in accordance with this Code, Section 108, Enforcement.

A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Code, Section 1104, or the *Florida Building Code*, as amended by Pasco County, is presumed to be in violation until such time as that document is provided.

Payment of any fines levied for violations of this section shall not alone satisfy the requirement to bring a structure into compliance with this section. To achieve compliance, the offending condition(s) must be rectified or removed.

Upon the finding that a structure is deemed in violation of this Code, Section 1104 and/or the *Florida Building Code* and the violator has refused to bring the violation into

compliance, the County may request that FEMA initiate a Section 1316 denial of flood insurance coverage, pursuant to the National Flood Insurance Act of 1968. If the violation is remedied, the County shall notify FEMA of the remedy and request that the Section 1316 be rescinded.

Appendix A

DEFINITIONS

* * *

Accessory structure.

General. A subordinate structure clearly incidental and related to the principal structure, building, or use of land and located on the same lot as that of the principal structure, building, or use including, but not limited to, swimming pools, pool decks, utility sheds, detached garages, and screened rooms. As it pertains to Flood Damage Prevention, the term includes only detached accessory structures used for parking and storage.

* * *

Agricultural structure (as pertains to Flood Damage Prevention). A walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

* * *

Critical facility. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, hospitals, nursing homes, medical services facilities, convalescent and assisted living facilities; police stations, fire stations, storage of critical records; government buildings and law enforcement offices; evacuation shelters and emergency operation centers that are needed for flood response activities before, during, or after a flood; power generating stations and public and private utility (water and wastewater) facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood; radio/cellular/TV towers; schools and universities; landfills; and structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials

* * *

Declaration of Land Restriction (Non-Conversion Agreement). A form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings, crawlspaces more than 5 feet tall, and non-elevated detached accessory structures that are larger than 200 square feet.

* * *

Flood Hazard Area. The greater of the following two areas:

1. The area within a floodplain subject to a one (1) percent or greater chance of flooding in any year, which is the Special Flood Hazard Area.

2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

* * *

Historic structure. (as it pertains to Flood Damage Prevention). Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 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:

1. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was inadvertently included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

* * *

Market Value (as it pertains to Flood Damage Prevention). The building value, excluding the land and other improvements on the parcel, as would be agreed to between a willing buyer and seller, as established by what the local real estate market will bear. Market value is the Actual Cash Value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser. The final determination of Market Value shall be made by the County Building Official in accordance with the market value resources set forth above.

* * *

Park Trailer "Park Model". 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 (also defined in section 320.01, F.S.).

* * *

Substantial improvement.

1. As it pertains to Flood Damage Prevention: Any one or more, or any combination thereof, of repair, reconstruction, rehabilitation, addition, alteration, or other improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds forty-nine percent of the market value of the structure before the "start of construction" of the improvement. The period of accumulation begins when the permit for the first improvement or repair of each building is issued and extends for one (1) year or until the permit is closed.

This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

The term does not, however, include either:

- a. Any project for improvement of a building required to comply with existing health, sanitary, or safety code violations which have been identified prior to permit issuance by the County Administrator or designee, and which are solely necessary to ensure safe living conditions except when damages are caused by willful intent or cumulative neglect by the owner or owners; or
 - b. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."
2. As it pertains to Dock Construction: The replacement of more than fifty (50) percent of the structure, or the lateral or lineal extension of any dock.