



## AGENDA MEMORANDUM

*Planning Department*

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**Land Development Code Subcommittee Meeting Date: July 26, 2022**

**To:** Land Development Code Subcommittee  
**From:** Kim Ruiz, Planner  
**Date:** July 19, 2022

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**SUBJECT:** Discussion of proposed amendments to the code of ordinances Chapter 94-Floods based upon the updated FEMA Flood Insurance Rate Maps (FIRM) which include the delineation of the Limit of Moderate Wave Action (LiMWA) as directed by City Council on July 19, 2022.

### **BACKGROUND:**

A FEMA notification has been received indicating that the updated FIRM will become effective on November 17, 2022 (Attached). These updated maps are based on modeling that identified areas subject to wave heights of greater than 3-feet on top of a storm surge as V-Zones and identified the landward extent of areas subject to wave heights between 1.5 and 3-feet on top of a storm surge as the LiMWA. The V-Zones make up a special flood hazard area designated as *Coastal High Hazard Area*. A-Zones waterward of the LiMWA are flood hazards areas designated as *Coastal A Zone (CAZ)*.

Prior to the delineation of the LiMWA by FEMA, the City adopted a code of ordinance standard to include areas within 500-feet of coastal bodies of water as additional coastal high hazard area. The 500-foot distance was a means to recognize that this area may be subject to greater storm impacts than further landward and obtain points from FEMA toward the National Flood Insurance Program's Community Rating System (CRS). The City should consider removing the 500-foot standard from the code of ordinances based upon the delineation of the LiMWA formulated through modeling by FEMA. A comparison map is attached showing the 500-foot line, CAZ areas, and V-Zones.

The City has maintained a Community Rating System (CRS) rating of 5 during participation in the National Flood Insurance Program. The latest CRS evaluation (2021) confirmed the CRS 5 rating without including points for requiring structures within 500-feet of coastal bodies of water to be built to V-Zone standards. FEMA encourages, but does not require, local jurisdictions to apply V-Zone standards to CAZ areas when a LiMWA has been delineated on the FIRM. City Council directed the Planning Department to evaluate whether there is a public benefit to requiring CAZ areas to meet V-Zone building and site improvement standards.

*Sanibel is and shall remain a barrier island sanctuary*

**EVALUATION OF PUBLIC BENEFIT OF REQUIRING V-ZONE STANDARDS IN COASTAL A ZONES**

The City Council directed Planning staff to evaluate if there is a public benefit to requiring new and replacement structures on properties located within a Coastal A Zone (CAZ) to be constructed to V-Zone standards. In order to determine if there is a public benefit, the following questions were considered:

- 1. Would the City's CRS Class 5 credit rating be reduced resulting in a decrease in flood insurance premium discounts to property owners throughout the City, if the City does not require V-Zone building standards in Coastal A Zones?**

No, the current rating did not include points for the requiring V-Zone building standards within 500-feet of coastal waters, so the 25-percent flood insurance premium discount will not be changed.

- 2. Would this requirement improve the City's CRS credit rating resulting in an increase in flood insurance premium discounts to property owners throughout the City?**

No, there are additional requirements that would need to be met for the City to reach a CRS 4 rating with a 30-percent flood insurance premium discount.

- 3. What percentage of the Special Flood Hazard Area (6,525 acres; Federal lands not included) that is covered by the National Floodplain Insurance Program will consist of Coastal A Zone areas in locations where development is allowed within the City (i.e. landward of 1974 Coastal Construction Control Line)?**

3-percent (approximately 193 acres)

Property owners may benefit to following V-Zone standards within Coastal A Zone areas. V-Zone standards may (1) reduce the potential damage to structures from severe storms and extreme tidal events, and (2) lower flood insurance premiums. An owner may choose to build to the higher V-Zone standards without the City amending the Land Development Code to require higher standards. The downside for property owners to build to V-Zone standards is the upfront construction cost and restricting ground-level use to parking and storage.

Planning staff does not find an overall public benefit in requiring new and replacement structures to be constructed to V-Zone standards within Coastal A Zone areas.

**PROPOSED AMENDMENTS TO CHAPTER 94 – FLOODS**

Planning staff recommends Chapter 94 – Floods be amended to reflect the new Flood Insurance Study and Flood Insurance Rate Maps which include the delineation of the Limit of Moderate Wave Action (LiMWA). These revisions do not include requiring construction within Coastal A Zones to meet V-Zone building standards, except for the provisions previously adopted under Division 7. Other Development. (pages 29-31).

The proposed amendments are presented in the attached complete Chapter 94 with new language in green underline and deleted language in ~~red strike through~~. The following is a summary of the proposed amendments:

- 1. Section 94-13. Basis for establishing flood hazard areas** (page 3 of 31)
  - a. Revise the date of the Flood Insurance Study to reflect the effective date of November 17, 2022.
  - b. Delete the reference to Additional Coastal High Hazard Areas Map.
- 2. Section 94-124. Definitions** (pages 17 and 19 of 31)
  - a. Refine the definition of *Coastal A Zone* based upon FEMA language.
  - b. Delete the Additional Coastal High Hazard Areas reference within *Coastal High Hazard Area* definition.
  - c. In *Letter of Map Change (LOMC)* definition, replace underlining of the types of letters of map changes with numbering per State of Florida Department of Floodplain Management direction.
  - d. Add *Limit of Moderate Wave Action (LiMWA)* definition based upon FEMA language.
- 3. Section 94-133. Accessory structures** (page 22 of 31)
  - a. Revisions based upon guidance documents from the State of Florida Department of Floodplain Management for consistency with FEMA standards.
- 4. Section 94-162. Limitation on installation** (page 25 of 31)
  - a. Revision based upon comments from the State of Florida Department of Floodplain Management for consistency with FEMA standards.
- 5. Section 94-182. Temporary use permit required** (page 28 of 31)
  - a. Delete reference to areas within 500-feet of coastal waters.

## **Chapter 94 FLOODS<sup>1</sup>**

### ***ARTICLE I. ADMINISTRATION***

#### ***DIVISION 1. GENERAL***

##### **Sec. 94-1. Title.**

These regulations shall be known as the Floodplain Management Ordinance of the City of Sanibel, hereinafter sometimes referred to as "this chapter." The "City of Sanibel" is hereinafter sometimes referred to as "Sanibel" or "city".

(Ord. No. 18-002 , § 2, 4-3-2018)

##### **Sec. 94-2. Scope.**

The provisions of the ordinance codified in this chapter 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

##### **Sec. 94-3. Intent.**

The purposes of this chapter 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:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

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<sup>1</sup>Editor's note(s)—Ord. No. 18-002 , § 2, adopted Apr. 3, 2018, amended ch. 94 in its entirety to read as herein set out. Former Former ch. 94, §§ 91-1—94-53 pertained to similar subject matter and derived from: Ord. No. 85-26, adopted Nov. 27, 1985; Ord. No. 88-03, adopted Feb. 16, 1988; Ord. No. 90-18, adopted Sept. 18, 1990; Ord. No. 91-15, adopted May 21, 1991; Ord. No. 92-21, adopted Oct. 20, 1992; Ord. No. 93-07, adopted April 6, 1993; Ord. No. 96-04, adopted July 2, 1996; Ord. No. 03-014, adopted Sept. 16, 2003; Ord. No. 08-013, adopted Oct. 21, 2008; and Ord. No. 16-002 , July 19, 2016.

Cross reference(s)—Buildings and building regulations, ch. 14; environment, ch. 30; waterways, ch. 74; development standards, ch. 86; erosion control, § 86-191 et seq.; zoning, ch. 126.

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- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
  - (3) 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;
  - (4) 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;
  - (5) Minimize damage to public and private facilities and utilities;
  - (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
  - (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
  - (8) 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Sec. 94-4. Coordination with the Florida Building Code.**

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

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Sec. 94-5. Warning.**

The degree of flood protection required by this chapter 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 chapter 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, requiring this community 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 chapter.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Sec. 94-6. Disclaimer of liability.**

This chapter shall not create liability on the part of the City Council of Sanibel or by any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder. The City of Sanibel is not liable for flood damage to buildings that are constructed in accordance with these flood regulations.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Secs. 94-7—94-10. Reserved.**

## ***DIVISION 2. APPLICABILITY***

### **Sec. 94-11. General.**

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-12. Areas to which this chapter applies.**

This chapter shall apply to all flood hazard areas within the City of Sanibel, as established in section 94-13 of this chapter.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-13. Basis for establishing flood hazard areas.**

The Flood Insurance Study for Lee County, Florida and Incorporated Areas (including the City of Sanibel, Florida), dated ~~August 28, 2008~~ November 17, 2022, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, ~~and the City of Sanibel Additional Coastal High Hazard Areas Map, dated February 21, 2018 and all subsequent amendments and revisions to such map,~~ are adopted by reference as a part of this chapter 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 Sanibel City Hall, 800 Dunlop Road, Sanibel Florida 33957.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-14. Submission of additional data to establish flood hazard areas.**

To establish flood hazard areas and base flood elevations, pursuant to article I, division 5, of this chapter 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:

- (1) 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 chapter and, as applicable, the requirements of the Florida Building Code.
- (2) 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

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**Sec. 94-15. Other laws.**

The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.  
(Ord. No. 18-002 , § 2, 4-3-2018)

**Sec. 94-16. Abrogation and greater restrictions.**

The ordinance codified in this chapter 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 chapter and any other ordinance, the more restrictive shall govern. This chapter shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this chapter.

(Ord. No. 18-002 , § 2, 4-3-2018)

**Sec. 94-17. Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

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

(Ord. No. 18-002 , § 2, 4-3-2018)

**Secs. 94-18—94-30. Reserved.*****DIVISION 3. DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR*****Sec. 94-31. Designation.**

The city manager is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(Ord. No. 18-002 , § 2, 4-3-2018)

**Sec. 94-32. General.**

The floodplain administrator is authorized and directed to administer and enforce the provisions of this chapter, to grant or deny development permit applications (short form) and make recommendations to the Sanibel Planning Commission or City Council, as applicable, for all other development permits that involve a question of floodproofing. The floodplain administrator shall have the authority to render interpretations of this chapter consistent with the intent and purpose of this chapter 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 chapter without the granting of a variance pursuant to article I, division 7, of this chapter.

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(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-33. Applications and permits.**

The floodplain administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this chapter;
- (3) Review all development permit applications to determine that the permit requirements of this section have been satisfied;
- (4) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
- (5) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (6) Review all development permit applications in the coastal high hazard area to determine if the proposed development alters mangrove stands, sand dunes or other existing features, so as to increase potential flood damage;
- (7) Provide available flood elevation and flood hazard information;
- (8) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (9) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (10) 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 chapter is demonstrated, or disapprove the same in the event of noncompliance; and
- (11) 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 chapter.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-34. 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:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the



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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;

- a. For purposes of determining the cost of the improvements or repairs, the greater of the following shall be used:
    1. Good faith estimates of costs certified by a licensed professional; or
    2. Actual costs as evidenced by a contract or group of contracts, certified by a licensed professional; or
    3. An estimate of costs based upon the prevailing costs in the city for similar construction; and
    4. Regardless of how the costs are determined, the costs shall include, without limitation, labor, materials, overhead, profit and demolition costs.
  - b. For purposes of determining market value, the following shall be used:
    1. The floodplain administrator shall have the authority to require the owner or applicant to provide an appraisal report containing an opinion as to market value of the structure; in any case where the costs of proposed repairs, reconstruction, rehabilitation, addition or other improvements exceed \$5,000.00 and where a good faith question exists as to whether the proposed repairs, reconstruction, rehabilitation, addition, or combination or accumulation of the proposed reconstruction, rehabilitation, addition or other improvement qualify as a substantial improvement or repair of substantial damage as defined in this chapter. Cost of the appraisal shall be borne by the owner or applicant.
    2. Where an appraisal report is voluntarily submitted or required, it shall be prepared by a qualified appraiser, holding membership in a recognized appraisal organization, or certified under state law, conducting the appraisal within his/her area of designation, and conducting the appraisal in accordance with generally recognized standards and methods of appraisal.
    3. Upon submittal by the owner or applicant of the appraisal report, the floodplain administrator shall have the authority to have the appraisal report reviewed by a qualified appraiser or to have another appraisal conducted by a qualified appraiser. The cost of this appraisal review or appraisal shall be borne by the city.
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
  - (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
  - (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this chapter is required.

(Ord. No. 18-002 , § 2, 4-3-2018; Ord. No. 19-001 , § 3, 4-2-2019)

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## **Sec. 94-35. 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 article I, division 7, of this chapter.

(Ord. No. 18-002 , § 2, 4-3-2018)

## **Sec. 94-36. 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 chapter.

(Ord. No. 18-002 , § 2, 4-3-2018)

## **Sec. 94-37. Inspections.**

The floodplain administrator shall make the required inspections as specified in article I, division 6, of this chapter for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(Ord. No. 18-002 , § 2, 4-3-2018)

## **Sec. 94-38. Other duties of the floodplain administrator.**

The floodplain administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 94-34 of this chapter;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this chapter and the Florida Building Code to determine that such certifications and documentations are complete;
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Sanibel are modified;
- (6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the coastal barrier resources system established by the Coastal Barrier Resources

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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."

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-39. 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 chapter and the flood-resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of map change; records of issuance of permits and denial 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 chapter; 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 chapter and the flood-resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Sanibel City Hall, 800 Dunlop Road, Sanibel Florida 33957.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Secs. 94-40—94-50. Reserved.**

## ***DIVISION 4. PERMITS***

### **Sec. 94-51. Permits required.**

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this chapter, 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 chapter and all other applicable codes and regulations has been satisfied.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-52. Floodplain development permits or approvals.**

Floodplain development permits or approvals shall be issued pursuant to this chapter 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

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## **Sec. 94-53. 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 chapter:

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

(Ord. No. 18-002 , § 2, 4-3-2018)

## **Sec. 94-54. 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:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) 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.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in article I, division 5, of this chapter.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the floodplain administrator.

(Ord. No. 18-002 , § 2, 4-3-2018)

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### **Sec. 94-55. Validity of permit or approval.**

The issuance of a floodplain development permit or approval pursuant to this chapter shall not be construed to be a permit for, or approval of, any violation of this chapter, the Florida Building Codes, or any other ordinance of this community. 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-56. Expiration.**

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 60 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-57. 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 chapter or any other ordinance, regulation or requirement of this community.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-58. 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:

- (1) The South Florida Water Management District; F.S. § 373.036.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and Chapter 64E-6, F.A.C.
- (3) 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; F.S. § 161.141.
- (4) Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.
- (5) 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Secs. 94-59—94-70. Reserved.**

## *DIVISION 5. SITE PLANS AND CONSTRUCTION DOCUMENTS*

### **Sec. 94-71. Information for development in flood hazard areas.**

The site plan or construction documents for any development subject to the requirements of this chapter shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) 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.
- (2) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide or the city's 1974 Coastal Construction Setback Line, whichever is more landward.
- (3) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (4) 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.
- (5) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
- (6) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this chapter 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 chapter.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-72. Additional analyses and certifications.**

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this division, for activities proposing to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), the applicant shall provide, for submission with the site plan and construction documents, a signed and sealed engineering analysis by a Florida licensed engineer that demonstrates that the proposed alteration will not increase the potential for flood damage.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-73. 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

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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.

(Ord. No. 18-002 , § 2, 4-3-2018)

**Secs. 94-74—94-80. Reserved.**

*DIVISION 6. INSPECTIONS*

**Sec. 94-81. General.**

Development for which a floodplain development permit or approval is required shall be subject to inspection.

(Ord. No. 18-002 , § 2, 4-3-2018)

**Sec. 94-82. Development other than buildings and structures.**

The floodplain administrator shall inspect all development to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

(Ord. No. 18-002 , § 2, 4-3-2018)

**Sec. 94-83. 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 chapter and the conditions of issued floodplain development permits or approvals.

(Ord. No. 18-002 , § 2, 4-3-2018)

**Sec. 94-84. 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 the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor.

(Ord. No. 18-002 , § 2, 4-3-2018)

**Sec. 94-85. 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

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floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 94-84 of this chapter.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Sec. 94-86. 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 chapter 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Secs. 94-87—94-90. Reserved.**

### ***DIVISION 7. VARIANCES AND APPEALS***

#### **Sec. 94-91. General.**

The Sanibel Planning Commission shall hear and decide on requests for appeals and requests for variances from the strict application of this chapter. Pursuant to F.S. § 553.73(5), the planning commission 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, Building.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Sec. 94-92. Appeals.**

The planning commission 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 chapter. Any person aggrieved by the decision of the planning commission may appeal such decision to the Sanibel City Council. Any person aggrieved by the decision of the Sanibel City Council may appeal such decision to the circuit court, as provided by Florida Statutes.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Sec. 94-93. Limitations on authority to grant variances.**

The planning commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 94-97 of this chapter, the conditions of issuance set forth in section 94-98 of this chapter, and the comments and recommendations of the floodplain administrator and the building official. The planning commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter.

(Ord. No. 18-002 , § 2, 4-3-2018)



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#### **Sec. 94-94. 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 94-72 of this chapter.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Sec. 94-95. Historic buildings.**

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Sec. 94-96. 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 chapter, provided the variance meets the requirements of section 94-94, 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Sec. 94-97. Considerations for issuance of variances.**

In reviewing requests for variances, the planning commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

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- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Sec. 94-98. Conditions for issuance of variances.**

Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;
- (2) Determination by the planning commission that:
  - a. 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;
  - b. 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
  - c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Secs. 94-99—94-110. Reserved.**

### *DIVISION 8. VIOLATIONS*

#### **Sec. 94-111. Violations.**

Any development that is not within the scope of the Florida Building Code but that is regulated by this chapter that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this chapter, shall be deemed a violation of this chapter and subject to the provisions for violations and penalties contained in the Sanibel Code of Ordinances. A building or structure without the documentation of

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elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this chapter or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Sec. 94-112. Authority.**

For development that is not within the scope of the Florida Building Code but that is regulated by this chapter 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Sec. 94-113. 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Secs. 94-114—94-120. Reserved.**

## ***ARTICLE II. DEFINITIONS***

### ***DIVISION 1. GENERAL***

#### **Sec. 94-121. Scope.**

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this chapter, have the meanings shown in this division.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Sec. 94-122. Terms defined in the Florida Building Code.**

Where terms are not defined in this chapter and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Sec. 94-123. Terms not defined.**

Where terms are not defined in this chapter or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

## Sec. 94-124. Definitions.

*Accessory structure.* A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

*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 chapter.

*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-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-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). [Also defined in FBC, B, Section 202.]

*Basement.* The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

*Coastal A Zone.* ~~Special F~~ Flood hazard areas, ~~landward of a Zone V~~ that have been delineated ~~by FEMA~~ as subject to wave heights between 1-1/2 feet (457 mm) and three feet (914mm). ~~The inland limit of the coastal A Zone is the limit of moderate wave action if delineated on a FIRM. Such areas are seaward of the Limit of Moderate Wave Action shown on the Flood Insurance Rate Map.~~

*Coastal high hazard area.* 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 V1-V30, VE, or V<sub>2</sub>, ~~and include areas designated on the maps entitled "City of Sanibel Additional Coastal High Hazard Areas: Areas Within 500 Feet of Coastal Bodies of Water."~~

*Design flood.* The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

*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 feet. [Also defined in FBC, B, Section 202.]

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*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.

*Existing building and existing structure.* Any buildings and structures for which the "start of construction" commenced before April 16, 1979. [Also defined in FBC, B, Section 202.]

*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: [Also defined in FBC, B, Section 202.]

- (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. [Also defined in FBC, B, Section 202.]

*Flood hazard area* (also see "Special flood hazard area"). The greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) The area within a floodplain subject to a one-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

*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. [Also defined in FBC, B, Section 202.]

*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. [Also defined in FBC, B, Section 202.]

*Floodplain administrator.* The office or position designated and charged with the administration and enforcement of this chapter (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 chapter.

*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. The Florida Building Code is sometimes referred to as "FBC".

*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.

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*Historic structure.* Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings which defines a historic structure as a building or structure that is:

- (1) Individually listed in the National Register of Historic Places; or
- (2) A contributing resource within a National Register of Historic Places listed district; or
- (3) Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district; or
- (4) Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district.

*Letter of map change (LOMC).* An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

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

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

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

*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. The lowest floor includes, but is not limited to, any floor containing:

- (1) A toilet or similar sanitary plumbing fixture, a floor drain, or a sink or stationary tub equipment with a floor drain; or

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- (2) Uses as kitchen, bathroom, office, dining room, living room, family or recreation room, bedroom, professional studio or commercial occupancy shall be deemed a lowest floor.  
[Also defined in FBC, B, Section 202.]

*Manufactured home.* A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

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

*Market value.* The value of buildings and structures, excluding the land and other improvements on the parcel. 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.

*New construction.* For the purposes of administration of this chapter and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after April 16, 1979 and includes any subsequent improvements to such structures.

*North American Vertical Datum of 1988 (NAVD).* The vertical control datum established for vertical control surveying in North America. Elevations indicated in National Geodetic Vertical Datum, previously used to administer the National Flood Insurance Program, can be converted to NAVD 88.

*Park trailer.* A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01.]

*Recreational vehicle.* A vehicle, including a park trailer, which is: [See F.S. § 320.01.]

- (1) Built on a single chassis;
- (2) Four hundred 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.

*Screen room.* An accessory structure adjacent to, but not permanently attached to, a manufactured home or recreational vehicle. The screen room may have a floor and a roof but must be open on the side adjacent to the manufactured home or recreational vehicle. The other sides may be enclosed but only with screening material, except for the area below 30 inches above the floor. Aluminum or vinyl encasements for window enclosures may be added to the screen portion of the accessory structure.

*Special flood hazard area.* An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

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

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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. [Also defined in FBC, B Section 202.]

*Substantial damage.* Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

*Substantial improvement.* Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

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

*Variance.* A grant of relief from the requirements of this chapter, 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 chapter or the Florida Building Code.

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

(Ord. No. 18-002 , § 2, 4-3-2018; Ord. No. 21-005 , § 1, 8-24-2021)

**Secs. 94-125—94-130. Reserved.**

## ***ARTICLE III. FLOOD-RESISTANT DEVELOPMENT***

### ***DIVISION 1. BUILDINGS AND STRUCTURES***

#### **Sec. 94-131. Design and construction of buildings, structures and facilities exempt from the Florida Building Code.**

Pursuant to section 94-53 of this chapter, 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 article III, division 7, of this chapter.

(Ord. No. 18-002 , § 2, 4-3-2018)



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## Sec. 94-132. 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:

- (1) 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.
- (2) Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this chapter and ASCE 24.

(Ord. No. 18-002 , § 2, 4-3-2018)

## Sec. 94-133. Non-elevated ~~A~~ accessory structures.

Accessory structures are permitted below the base flood elevations required by Florida Building Code provided ~~they comply with the following standards~~ the accessory structures are used only for parking or storage and:

- (1) In Zone A/AE, garages shall be one story and shall not exceed 600 square feet, and shall:
  - a. Be securely 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. Be used exclusively for the parking of vehicles and passive storage;
  - d. Be accessible by driveway from a street;
  - e. Be equipped with garage doors or openings for vehicular access;
  - f. Have all interior wall, floor and ceiling materials located below the base flood elevation plus one foot ~~unfinished and/or~~ resistant to flood damage;
  - g. Have ~~no mechanical, plumbing and electrical or other utility connections~~ systems, including plumbing fixtures, ~~below~~ elevated to or above the base flood elevation plus one foot; and
  - ~~h. Have no plumbing connections or fixtures below the base flood elevation.~~
- (2) In Zone AE storage buildings shall be one story and shall not exceed 150 square feet, and in Zone VE storage buildings shall be one story and shall not exceed 100 square feet, and in both zones shall:
  - a. Be securely anchored to resist flotation, collapse or lateral movement resulting from flood loads;
  - b. Not be located under elevated buildings in Zone V;
  - c. Be used exclusively for passive storage;
  - d. Have all interior wall, floor and ceiling materials located below the base flood elevation plus one foot ~~unfinished and/or~~ resistant to flood damage;
  - e. Have ~~no mechanical, plumbing and electrical or other utility connections~~ systems, including plumbing fixtures, ~~below~~ elevated to or above the base flood elevation plus one foot; and
  - f. ~~Have no plumbing connections or fixtures.~~ Have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

(Ord. No. 18-002 , § 2, 4-3-2018; Ord. No. 21-005 , § 1, 8-24-2021)

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**Secs. 94-134—94-140. Reserved.**

## *DIVISION 2. SUBDIVISIONS*

### **Sec. 94-141. Minimum requirements.**

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) 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
- (3) 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-142. 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:

- (1) Delineation of flood hazard areas and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats; and
- (2) Compliance with the site improvement and utilities requirements of article III, division 3, of this chapter.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-143. Coastal construction setback line limitations.**

No person shall divide land into lots or parcels if any lot or parcel created by such division would be situated so that:

- (1) All or any part of a dwelling unit on such lot or parcel is located or developed seaward of the city's 1974 Coastal Construction Setback Line; or
- (2) All or any part of a dwelling unit on such lot or parcel could only be developed seaward of the city's 1974 Coastal Construction Setback Line.

(Ord. No. 18-002 , § 2, 4-3-2018)

**Secs. 94-144—94-150. Reserved.**

## *DIVISION 3. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS*

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### **Sec. 94-151. Minimum requirements.**

All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) 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
- (3) 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-152. 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-153. 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-154. Limitations on placement of fill.**

Subject to the limitations of this chapter, 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.

(Ord. No. 18-002 , § 2, 4-3-2018; Ord. No. 21-005 , § 1, 8-24-2021)

Editor's note(s)—Ord. No. 21-005 , § 1, adopted Aug. 24, 2021, deleted former § 94-154 entitled "County electric cooperative meters," which derived from Ord. No. 18-002 , § 2, adopted April 3, 2018; and further amended the Code by renumbering §§ 94-155 and 94-156 as §§ 94-154 and 94-155 as herein set out.

### **Sec. 94-155. Limitations on sites in coastal high hazard areas (Zone V).**

In coastal high hazard areas, 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 94-72 of this chapter demonstrates that the proposed alteration will not increase the potential

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for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with subsection 94-205(3) of this chapter.

(Ord. No. 18-002 , § 2, 4-3-2018; Ord. No. 21-005 , § 1, 8-24-2021)

**Secs. 94-156—94-160. Reserved.**

***DIVISION 4. MANUFACTURED HOMES***

**Sec. 94-161. General.**

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this chapter. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

(Ord. No. 18-002 , § 2, 4-3-2018)

**Sec. 94-162. Limitations on installation.**

The placement of manufactured homes shall be prohibited in the coastal high hazard area (VE Zones), ~~and in areas within 500 feet of San Carlos Bay, Pine Island Sound, Blind Pass, or the Gulf of Mexico,~~ except as may be authorized by a temporary use permit issued during a state of emergency due to a hurricane or other natural disaster causing substantial damage to residential structures. Such temporary use permits are limited to a duration of 180 consecutive days from date of declared state of emergency.

(Ord. No. 18-002 , § 2, 4-3-2018)

**Sec. 94-163. Foundations.**

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- (1) 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 chapter.
- (2) 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 chapter.

(Ord. No. 18-002 , § 2, 4-3-2018; Ord. No. 21-005 , § 1, 8-24-2021)

**Sec. 94-164. 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. Special requirements shall be that:

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- (1) Over-the-top ties must be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations. Manufactured homes less than 50 feet long and recreational vehicles require only one additional tie per side.
  - (2) Frame ties must be provided at each corner of the manufactured home with five additional ties per side at intermediate points. Manufactured homes less than 50 feet long and recreational vehicles require only four additional ties per side.
  - (3) All components of the anchoring system must be capable of withstanding a force of 4,800 pounds.
  - (4) Any additions to the manufactured home must be similarly anchored.
  - (5) Adequate surface drainage and access for a hauler must be provided.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-165. 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 area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).

(Ord. No. 18-002 , § 2, 4-3-2018; Ord. No. 21-005 , § 1, 8-24-2021)

### **Sec. 94-166. Enclosures.**

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential, Sections R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

(Ord. No. 18-002 , § 2, 4-3-2018; Ord. No. 21-005 , § 1, 8-24-2021)

Editor's note(s)—Ord. No. 21-005 , § 1, adopted Aug. 24, 2021, deleted former §§ 94-166 and 94-167 which pertained to general elevation requirements for manufactured home parks and subdivisions and derived from Ord. No. 18-002 , § 2, adopted April 3, 2018; and further amended the Code by renumbering §§ 94-168—94-171 as §§ 94-166—169 as herein set out.

### **Sec. 94-167. 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.

(Ord. No. 18-002 , § 2, 4-3-2018; Ord. No. 21-005 , § 1, 8-24-2021)

### **Sec. 94-168. Site-built additions.**

Site-built additions to manufactured homes that are elevated above grade are permitted only if the following standards are met:

- (1) The addition is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement;

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- (2) The addition is not a substantial improvement;
  - (3) The total floor area of the addition does not exceed 400 square feet;
  - (4) The maximum height of the addition does not exceed the height of the manufactured home; and
  - (5) Only one site-built addition is permissible for any manufactured home.

(Ord. No. 18-002 , § 2, 4-3-2018; Ord. No. 21-005 , § 1, 8-24-2021)

#### **Sec. 94-169. Screen rooms.**

Screen rooms as accessory structures to manufactured homes and recreational vehicles are not subject to elevation requirements of this section if:

- (1) The structure is used exclusively as an accessory use:
  - a. No electrical wiring or outlets are permitted;
  - b. No plumbing or plumbing fixtures are permitted; and
  - c. No mechanical heating or cooling is permitted.
- (2) The structure is not a substantial improvement;
- (3) The structure is self-supporting;
- (4) The floor of the structure is elevated at or higher than the floor of the manufactured home or recreational vehicle;
- (5) The maximum height of the structure does not exceed the height of the manufactured home or recreational vehicle;
- (6) The structure does not extend beyond the front, where the hitch is or was located, or rear of the manufactured home or recreational vehicle;
- (7) The total floor area of the structure does not exceed 400 square feet;
- (8) The structure is not permanently attached to the manufactured home or recreational vehicle;
- (9) The structure is built with materials resistant to flood damage;
- (10) Any solid enclosure of the structure does not extend more than 30 inches above the floor; however, aluminum or vinyl encasements for window enclosures may be added to the screened portion of the structure.

(Ord. No. 18-002 , § 2, 4-3-2018; Ord. No. 21-005 , § 1, 8-24-2021)

#### **Secs. 94-170—94-180. Reserved.**

### ***DIVISION 5. RECREATIONAL VEHICLES AND PARK TRAILERS***

#### **Sec. 94-181. Temporary placement.**

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or

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- (2) 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-182. Temporary use permit required.**

The placement of recreational vehicles shall be prohibited in the coastal high hazard area (VE Zones), ~~and areas within 500 feet of San Carlos Bay, Pine Island Sound, Blind Pass, or the Gulf of Mexico,~~ except as may be authorized by a temporary use permit indicating compliance with section 94-181.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-183. Permanent placement.**

Recreational vehicles and park trailers that do not meet the limitations in section 94-181 of this chapter for temporary placement shall meet the requirements of article III, division 4, of this chapter for manufactured homes.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-184. Site-built additions and screen rooms.**

Site built additions to recreational vehicles are prohibited. Screen rooms shall comply with section 94-~~174~~ 169 of this chapter.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Secs. 94-185—94-190. Reserved.**

## *DIVISION 6. TANKS*

### **Sec. 94-191. 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

### **Sec. 94-192. Above-ground tanks, not elevated.**

Above-ground tanks that do not meet the elevation requirements of section 94-193 of this chapter shall:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (2) Not be permitted in coastal high hazard areas (Zone V).

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(Ord. No. 18-002 , § 2, 4-3-2018)

**Sec. 94-193. Above-ground tanks, elevated.**

Above-ground tanks in flood hazard areas shall be attached to, an 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

**Sec. 94-194. Tank inlets and vents.**

Tank inlets, fill openings, outlets and vents shall be:

- (1) 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
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 18-002 , § 2, 4-3-2018)

**Secs. 94-195—94-200. Reserved.**

*DIVISION 7. OTHER DEVELOPMENT*

**Sec. 94-201. 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 chapter or the Florida Building Code, shall:

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

(Ord. No. 18-002 , § 2, 4-3-2018)



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**Sec. 94-202. 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:

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

(Ord. No. 18-002 , § 2, 4-3-2018)

**Sec. 94-203. 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:

- (1) 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.
- (2) 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.
- (3) A deck or patio that has a vertical thickness of more than 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.
- (4) A deck or patio that has a vertical thickness of 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

**Sec. 94-204. 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

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reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) 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
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

(Ord. No. 18-002, § 2, 4-3-2018)

#### **Sec. 94-205. Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones.**

In coastal high hazard areas and Coastal A Zones:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) 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 registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) 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.

(Ord. No. 18-002 , § 2, 4-3-2018)

#### **Secs. 94-206—94-230. Reserved.**