

1 the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for
2 such participation; and

3 **WHEREAS**, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to
4 provide a mechanism for the uniform adoption, updating, amendment, interpretation and
5 enforcement of a state building code, called the *Florida Building Code*; and

6 **WHEREAS**, the City Council adopted a requirement to limit partitioning of enclosed
7 areas below elevated buildings and to limit access to enclosed areas for buildings and
8 structures in flood hazard areas prior to July 1, 2010 and, pursuant to section 553.73(5), F.S., is
9 formatting that requirement to coordinate with the *Florida Building Code*;

10 **WHEREAS**, the **City Council** has determined that it is in the public interest to adopt the
11 proposed floodplain management regulations that are coordinated with the *Florida Building*
12 *Code*.

13 **NOW, THEREFORE, BE IT ORDAINED** by the **City Council** of the **City of Belle**
14 **Isle** that the following floodplain management regulations are hereby adopted.

15
16 **SECTION 1. RECITALS.**

17 The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

18
19 **SECTION 2. This ordinance specifically repeals and replaces the following ordinance(s)**
20 **and regulation(s): This ordinance specifically repeals and replaces the following**
21 **ordinance(s) and regulation(s): Belle Isle's Flood Damage Prevention Ordinance #78-17,**
22 **and as amended by Ordinance #15-04 in 2015; as well as any conflicting provisions of**
23 **Belle Isle Code, Chapter 48, Article V. Floodplains; and, any conflicting provisions of**
24 **Belle Isle Code, Chapter 50, Article II. Subdivision Regulations.**

1 **DIVISION 1 GENERAL**

2
3 **48-121 Title.** These regulations shall be known as the *Floodplain Management Ordinance of*
4 **the City of Belle Isle**, hereinafter referred to as “this ordinance.”

5
6 **48-122 Scope.** The provisions of this ordinance shall apply to all development that is wholly
7 within or partially within any flood hazard area, including but not limited to the subdivision of land;
8 filling, grading, and other site improvements and utility installations; construction, alteration,
9 remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings,
10 structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or
11 replacement of manufactured homes and manufactured buildings; installation or replacement of
12 tanks; placement of recreational vehicles; installation of swimming pools; and any other
13 development.

14
15 **48-123 Intent.** The purposes of this ordinance and the flood load and flood resistant
16 construction requirements of the *Florida Building Code* are to establish minimum requirements
17 to safeguard the public health, safety, and general welfare and to minimize public and private
18 losses due to flooding through regulation of development in flood hazard areas to:

- 19 (1) Minimize unnecessary disruption of commerce, access and public service during times
20 of flooding;
- 21 (2) Require the use of appropriate construction practices in order to prevent or minimize
22 future flood damage;
- 23 (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage
24 of equipment or materials, and other development which may increase flood damage or
25

1 erosion potential;

2 (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize
3 the impact of development on the natural and beneficial functions of the floodplain;

4 (5) Minimize damage to public and private facilities and utilities;

5 (6) Help maintain a stable tax base by providing for the sound use and development of flood
6 hazard areas;

7 (7) Minimize the need for future expenditure of public funds for flood control projects and
8 response to and recovery from flood events; and

9 (8) Meet the requirements of the National Flood Insurance Program for community
10 participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

11 **48-124 Coordination with the *Florida Building Code*.** This ordinance is intended to be
12 administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE
13 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

14
15 **48-125 Warning.** The degree of flood protection required by this ordinance and the *Florida*
16 *Building Code*, as amended by this community, is considered the minimum reasonable for
17 regulatory purposes and is based on scientific and engineering considerations. Larger floods can
18 and will occur. Flood heights may be increased by man-made or natural causes. This ordinance
19 does not imply that land outside of mapped special flood hazard areas, or that uses permitted within
20 such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and
21 base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate
22 Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be
23 revised by the Federal Emergency Management Agency, requiring this community to revise these
24 regulations to remain eligible for participation in the National Flood Insurance Program. No

1 guaranty of vested use, existing use, or future use is implied or expressed by compliance with
2 this ordinance.

3
4 **48-126 Disclaimer of Liability.** This ordinance shall not create liability on the part of **City**
5 **Council of the City of Belle Isle** or by any officer or employee thereof for any flood damage
6 that results from reliance on this ordinance or any administrative decision lawfully made
7 thereunder.

8
9 **DIVISION 2 APPLICABILITY**

10
11 **48-127 General.** Where there is a conflict between a general requirement and a specific
12 requirement, the specific requirement shall be applicable.

13
14 **48-128 Areas to which this ordinance applies.** This ordinance shall apply to all flood hazard
15 areas within the **City of Belle Isle**, as established in Section 48-129 of this ordinance.

16
17 **48-129 Basis for establishing flood hazard areas.** The Flood Insurance Study for Orange
18 County, Florida and Incorporated Areas dated September 25, 2009, and all subsequent
19 amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all
20 subsequent amendments and revisions to such maps, are adopted by reference as a part of this
21 ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies
22 and maps that establish flood hazard areas are on file at **the City Clerk's office at 1600 Nela**
23 **Avenue, Belle Isle FL 32809.**

1 **48-130 Submission of additional data to establish flood hazard areas.** To establish flood
2 hazard areas and base flood elevations, pursuant to Division 5 of this ordinance the Floodplain
3 Administrator may require submission of additional data. Where field surveyed topography
4 prepared by a Florida licensed professional surveyor or digital topography accepted by the
5 community indicates that ground elevations:

6 (1) Are below the closest applicable base flood elevation, even in areas not delineated as a
7 special flood hazard area on a FIRM, the area shall be considered as flood hazard area
8 and subject to the requirements of this ordinance and, as applicable, the requirements
9 of the *Florida Building Code*.

10 (2) Are above the closest applicable base flood elevation, the area shall be regulated as
11 special flood hazard area unless the applicant obtains a Letter of Map Change that
12 removes the area from the special flood hazard area.

13
14 **48-131 Other laws.** The provisions of this ordinance shall not be deemed to nullify any
15 provisions of local, state or federal law.

16
17 **48-132 Abrogation and greater restrictions.** This ordinance supersedes any ordinance in
18 effect for management of development in flood hazard areas. However, it is not intended to
19 repeal or abrogate any existing ordinances including but not limited to land development
20 regulations, zoning ordinances, stormwater management regulations, or the *Florida Building*
21 *Code*. In the event of a conflict between this ordinance and any other ordinance, the more
22 restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or
23 easement, but any land that is subject to such interests shall also be governed by this
24 ordinance.

1 **48-133 Interpretation.** In the interpretation and application of this ordinance, all provisions
2 shall be:

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

6
7 **DIVISION 3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

8
9 **48-134 Designation.** The **City Manager** is designated as the Floodplain Administrator. The
10 Floodplain Administrator may delegate performance of certain duties to other employees.

11
12 **48-135 General.** The Floodplain Administrator is authorized and directed to administer and
13 enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to
14 render interpretations of this ordinance consistent with the intent and purpose of this ordinance
15 and may establish policies and procedures in order to clarify the application of its provisions.
16 Such interpretations, policies, and procedures shall not have the effect of waiving requirements
17 specifically provided in this ordinance without the granting of a variance pursuant to Division 7 of
18 this ordinance.

19
20 **48-136 Applications and permits.** The Floodplain Administrator, in coordination with other
21 pertinent offices of the community, shall:

- 22 (1) Review applications and plans to determine whether proposed new development will be
23 located in flood hazard areas;

- 1 (2) Review applications for modification of any existing development in flood hazard areas
2 for compliance with the requirements of this ordinance;
- 3 (3) Interpret flood hazard area boundaries where such interpretation is necessary to
4 determine the exact location of boundaries; a person contesting the determination shall
5 have the opportunity to appeal the interpretation;
- 6 (4) Provide available flood elevation and flood hazard information;
- 7 (5) Determine whether additional flood hazard data shall be obtained from other sources or
8 shall be developed by an applicant;
- 9 (6) Review applications to determine whether proposed development will be reasonably
10 safe from flooding;
- 11 (7) Issue floodplain development permits or approvals for development other than buildings
12 and structures that are subject to the *Florida Building Code*, including buildings,
13 structures and facilities exempt from the *Florida Building Code*, when compliance with
14 this ordinance is demonstrated, or disapprove the same in the event of noncompliance;
15 and
- 16 (8) Coordinate with and provide comments to the Building Official to assure that
17 applications, plan reviews, and inspections for buildings and structures in flood hazard
18 areas comply with the applicable provisions of this ordinance.

19

20 **48-137 Substantial improvement and substantial damage determinations.** For applications
21 for building permits to improve buildings and structures, including alterations, movement,
22 enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations,
23 substantial improvements, repairs of substantial damage, and any other improvement of or work

1 on such buildings and structures, the Floodplain Administrator, in coordination with the Building
2 Official, shall:

- 3 (1) Estimate the market value, or require the applicant to obtain an appraisal of the market
4 value prepared by a qualified independent appraiser, of the building or structure before
5 the start of construction of the proposed work; in the case of repair, the market value of
6 the building or structure shall be the market value before the damage occurred and
7 before any repairs are made;
- 8 (2) Compare the cost to perform the improvement, the cost to repair a damaged building to
9 its pre-damaged condition, or the combined costs of improvements and repairs, if
10 applicable, to the market value of the building or structure;
- 11 (3) Determine and document whether the proposed work constitutes substantial
12 improvement or repair of substantial damage; and
- 13 (4) Notify the applicant if it is determined that the work constitutes substantial improvement
14 or repair of substantial damage and that compliance with the flood resistant construction
15 requirements of the *Florida Building Code* and this ordinance is required.

16
17 **48-138 Modifications of the strict application of the requirements of the *Florida Building***
18 ***Code*.** The Floodplain Administrator shall review requests submitted to the Building Official that
19 seek approval to modify the strict application of the flood load and flood resistant construction
20 requirements of the *Florida Building Code* to determine whether such requests require the
21 granting of a variance pursuant to Division 7 of this ordinance.

1 **48-139 Notices and orders.** The Floodplain Administrator shall coordinate with appropriate
2 local agencies for the issuance of all necessary notices or orders to ensure compliance with this
3 ordinance.

4
5 **48-140 Inspections.** The Floodplain Administrator shall make the required inspections as
6 specified in Division 6 of this ordinance for development that is not subject to the *Florida*
7 *Building Code*, including buildings, structures and facilities exempt from the *Florida Building*
8 *Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if
9 development is undertaken without issuance of a permit.

10
11 **48-141 Other duties of the Floodplain Administrator.** The Floodplain Administrator shall
12 have other duties, including but not limited to:

13 (1) Establish, in coordination with the Building Official, procedures for administering and
14 documenting determinations of substantial improvement and substantial damage made
15 pursuant to Section 48-137 of this ordinance;

16 (2) Require that applicants proposing alteration of a watercourse notify adjacent
17 communities and the Florida Division of Emergency Management, State Floodplain
18 Management Office, and submit copies of such notifications to the Federal Emergency
19 Management Agency (FEMA);

20 (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support
21 permit applications to submit to FEMA the data and information necessary to maintain
22 the Flood Insurance Rate Maps if the analyses propose to change base flood elevations,
23 flood hazard area boundaries, or floodway designations; such submissions shall be
24 made within 6 months of such data becoming available;

- 1 (4) Review required design certifications and documentation of elevations specified by this
2 ordinance and the *Florida Building Code* to determine that such certifications and
3 documentations are complete; and
- 4 (5) Notify the Federal Emergency Management Agency when the corporate boundaries of
5 **the City of Belle Isle** are modified.

6

7 **48-142 Floodplain management records.** Regardless of any limitation on the period required
8 for retention of public records, the Floodplain Administrator shall maintain and permanently keep
9 and make available for public inspection all records that are necessary for the administration of
10 this ordinance and the flood resistant construction requirements of the *Florida Building Code*,
11 including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits
12 and denial of permits; determinations of whether proposed work constitutes substantial
13 improvement or repair of substantial damage; required design certifications and documentation
14 of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent
15 communities, FEMA, and the state related to alterations of watercourses; assurances that the
16 flood carrying capacity of altered watercourses will be maintained; documentation related to
17 appeals and variances, including justification for issuance or denial; and records of enforcement
18 actions taken pursuant to this ordinance and the flood resistant construction requirements of the
19 *Florida Building Code*. These records shall be available for public inspection at **the City Clerk's**
20 **office at 1600 Nela Avenue, Belle Isle FL 32809.**

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1 **DIVISION 4 PERMITS**

2
3 **48-143 Permits required.** Any owner or owner’s authorized agent (hereinafter “applicant”) who
4 intends to undertake any development activity within the scope of this ordinance, including
5 buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within
6 or partially within any flood hazard area shall first make application to the Floodplain
7 Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and
8 approval(s). No such permit or approval shall be issued until compliance with the requirements of
9 this ordinance and all other applicable codes and regulations has been satisfied.

10
11 **48-144 Floodplain development permits or approvals.** Floodplain development permits or
12 approvals shall be issued pursuant to this ordinance for any development activities not subject to the
13 requirements of the *Florida Building Code*, including buildings, structures and facilities exempt
14 from the *Florida Building Code*. Depending on the nature and extent of proposed development
15 that includes a building or structure, the Floodplain Administrator may determine that a floodplain
16 development permit or approval is required in addition to a building permit.

17
18 **48-145 Buildings, structures and facilities exempt from the *Florida Building Code*.**

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

- 24 (1) Railroads and ancillary facilities associated with the railroad.

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

18
19 **48-146 Application for a permit or approval.** To obtain a floodplain development permit or
20 approval the applicant shall first file an application in writing on a form furnished by the
21 community. The information provided shall:

- 22 (1) Identify and describe the development to be covered by the permit or approval.
- 23 (2) Describe the land on which the proposed development is to be conducted by legal
24 description, street address or similar description that will readily identify and definitively
25

1 locate the site.

2 (3) Indicate the use and occupancy for which the proposed development is intended.

3 (4) Be accompanied by a site plan or construction documents as specified in Division 5 of
4 this ordinance.

5 (5) State the valuation of the proposed work.

6 (6) Be signed by the applicant or the applicant's authorized agent.

7 (7) Give such other data and information as required by the Floodplain Administrator.
8

9 **48-147 Validity of permit or approval.** The issuance of a floodplain development permit or
10 approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any
11 violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community.
12 The issuance of permits based on submitted applications, construction documents, and
13 information shall not prevent the Floodplain Administrator from requiring the correction of errors
14 and omissions.
15

16 **48-148 Expiration.** A floodplain development permit or approval shall become invalid unless the
17 work authorized by such permit is commenced within 180 days after its issuance, or if the work
18 authorized is suspended or abandoned for a period of 180 days after the work commences.
19 Extensions for periods of not more than 180 days each shall be requested in writing and
20 justifiable cause shall be demonstrated.
21

22 **48-149 Suspension or revocation.** The Floodplain Administrator is authorized to suspend or
23 revoke a floodplain development permit or approval if the permit was issued in error, on the
24
25

1 basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any
2 other ordinance, regulation or requirement of this community.

3
4 **48-150 Other permits required.** Floodplain development permits and building permits shall
5 include a condition that all other applicable state or federal permits be obtained before
6 commencement of the permitted development, including but not limited to the following:

- 7 (1) The **St. Johns River** Water Management District; section 373.036, F.S.
- 8 (2) Florida Department of Health for onsite sewage treatment and disposal systems; section
9 381.0065, F.S. and Chapter 64E-6, F.A.C.
- 10 (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal
11 Permit; section 161.055, F.S.
- 12 (4) Florida Department of Environmental Protection for activities that affect wetlands and
13 alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section
14 404 of the Clean Water Act.
- 15 (5) Federal permits and approvals.

16
17 **DIVISION 5 SITE PLANS AND CONSTRUCTION DOCUMENTS**

18
19 **48-151 Information for development in flood hazard areas.** The site plan or construction
20 documents for any development subject to the requirements of this ordinance shall be drawn to
21 scale and shall include, as applicable to the proposed development:

- 22 (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood
23 elevation(s), and ground elevations if necessary for review of the proposed
24 development.

1 (2) Where base flood elevations or floodway data are not included on the FIRM or in the
2 Flood Insurance Study, they shall be established in accordance with Section 48-152(2)
3 or (3) of this ordinance.

4 (3) Where the parcel on which the proposed development will take place will have more
5 than 50 lots or is larger than 5 acres and the base flood elevations are not included on
6 the FIRM or in the Flood Insurance Study, such elevations shall be established in
7 accordance with Section 48-152(1) of this ordinance.

8 (4) Location of the proposed activity and proposed structures, and locations of existing
9 buildings and structures.

10 (5) Location, extent, amount, and proposed final grades of any filling, grading, or
11 excavation.

12 (6) Where the placement of fill is proposed, the amount, type, and source of fill material;
13 compaction specifications; a description of the intended purpose of the fill areas; and
14 evidence that the proposed fill areas are the minimum necessary to achieve the intended
15 purpose.

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

17
18 The Floodplain Administrator is authorized to waive the submission of site plans, construction
19 documents, and other data that are required by this ordinance but that are not required to be
20 prepared by a registered design professional if it is found that the nature of the proposed
21 development is such that the review of such submissions is not necessary to ascertain
22 compliance with this ordinance.

1 **48-152 Information in flood hazard areas without base flood elevations (approximate**

2 **Zone A).** Where flood hazard areas are delineated on the FIRM and base flood elevation data
3 have not been provided, the Floodplain Administrator shall:

4 (1) Require the applicant to include base flood elevation data prepared in accordance with
5 currently accepted engineering practices.

6 (2) Obtain, review, and provide to applicants base flood elevation and floodway data
7 available from a federal or state agency or other source or require the applicant to
8 obtain and use base flood elevation and floodway data available from a federal or state
9 agency or other source.

10 (3) Where base flood elevation and floodway data are not available from another source,
11 where the available data are deemed by the Floodplain Administrator to not reasonably
12 reflect flooding conditions, or where the available data are known to be scientifically or
13 technically incorrect or otherwise inadequate:

14 (a) Require the applicant to include base flood elevation data prepared in
15 accordance with currently accepted engineering practices; or

16 (b) Specify that the base flood elevation is two (2) feet above the highest
17 adjacent grade at the location of the development, provided there is no
18 evidence indicating flood depths have been or may be greater than two (2)
19 feet.

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

1 **48-153 Additional analyses and certifications.** As applicable to the location and nature of the
2 proposed development activity, and in addition to the requirements of this section, the applicant
3 shall have the following analyses signed and sealed by a Florida licensed engineer for
4 submission with the site plan and construction documents:

5 (1) For development activities proposed to be located in a regulatory floodway, a floodway
6 encroachment analysis that demonstrates that the encroachment of the proposed
7 development will not cause any increase in base flood elevations; where the applicant
8 proposes to undertake development activities that do increase base flood elevations, the
9 applicant shall submit such analysis to FEMA as specified in Section 48-154 of this
10 ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA,
11 with the site plan and construction documents.

12 (2) For development activities proposed to be located in a riverine flood hazard area for
13 which base flood elevations are included in the Flood Insurance Study or on the FIRM
14 and floodways have not been designated, hydrologic and hydraulic analyses that
15 demonstrate that the cumulative effect of the proposed development, when combined
16 with all other existing and anticipated flood hazard area encroachments, will not increase
17 the base flood elevation more than one (1) foot at any point within the community. This
18 requirement does not apply in isolated flood hazard areas not connected to a riverine
19 flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

20 (3) For alteration of a watercourse, an engineering analysis prepared in accordance with
21 standard engineering practices which demonstrates that the flood-carrying capacity of
22 the altered or relocated portion of the watercourse will not be decreased, and
23 certification that the altered watercourse shall be maintained in a manner which
24 preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to
25

1 FEMA as specified in Section 48-154 of this ordinance.

2
3 **48-154 Submission of additional data.** When additional hydrologic, hydraulic or other
4 engineering data, studies, and additional analyses are submitted to support an application, the
5 applicant has the right to seek a Letter of Map Change from FEMA to change the base flood
6 elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on
7 FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared
8 by a Florida licensed engineer in a format required by FEMA. Submittal requirements and
9 processing fees shall be the responsibility of the applicant.

10
11 **DIVISION 6 INSPECTIONS**

12
13 **48-155 General.** Development for which a floodplain development permit or approval is
14 required shall be subject to inspection.

15
16 **48-156 Development other than buildings and structures.** The Floodplain Administrator
17 shall inspect all development to determine compliance with the requirements of this ordinance
18 and the conditions of issued floodplain development permits or approvals.

19
20 **48-157 Buildings, structures and facilities exempt from the *Florida Building Code*.** The
21 Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida*
22 *Building Code* to determine compliance with the requirements of this ordinance and the
23 conditions of issued floodplain development permits or approvals.

1 **48-158 Buildings, structures and facilities exempt from the *Florida Building Code*, lowest**
2 **floor inspection.** Upon placement of the lowest floor, including basement, and prior to further
3 vertical construction, the owner of a building, structure or facility exempt from the *Florida*
4 *Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

5 (1) If a design flood elevation was used to determine the required elevation of the lowest
6 floor, the certification of elevation of the lowest floor prepared and sealed by a Florida
7 licensed professional surveyor; or

8 (2) If the elevation used to determine the required elevation of the lowest floor was
9 determined in accordance with Section 48-152(3)(b) of this ordinance, the
10 documentation of height of the lowest floor above highest adjacent grade, prepared by
11 the owner or the owner's authorized agent.

12
13 **48-159 Buildings, structures and facilities exempt from the *Florida Building Code*, final**
14 **inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit
15 to the Floodplain Administrator a final certification of elevation of the lowest floor or final
16 documentation of the height of the lowest floor above the highest adjacent grade; such
17 certifications and documentations shall be prepared as specified in Section 48-158 of this
18 ordinance.

19
20 **48-160 Manufactured homes.** The Floodplain Administrator shall inspect manufactured homes
21 that are installed or replaced in flood hazard areas to determine compliance with the
22 requirements of this ordinance and the conditions of the issued permit. Upon placement of a
23 manufactured home, certification of the elevation of the lowest floor shall be submitted to the
24 Floodplain Administrator.

1 **DIVISION 7 VARIANCES AND APPEALS**

2
3 **48-161 General.** The **Planning & Zoning Board** shall hear and decide on requests for appeals
4 and requests for variances from the strict application of this ordinance. Pursuant to section
5 553.73(5), F.S., the **Planning & Zoning Board** shall hear and decide on requests for appeals
6 and requests for variances from the strict application of the flood resistant construction
7 requirements of the *Florida Building Code*.

8
9 **48-162 Appeals.** The **Planning & Zoning Board** shall hear and decide appeals when it is
10 alleged there is an error in any requirement, decision, or determination made by the Floodplain
11 Administrator in the administration and enforcement of this ordinance. Any person aggrieved by
12 the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.

13
14 **48-163 Limitations on authority to grant variances.** The **Planning & Zoning Board** shall
15 base its decisions on variances on technical justifications submitted by applicants, the
16 considerations for issuance in Section 48-167 of this ordinance, the conditions of issuance set
17 forth in Section 48-168 of this ordinance, and the comments and recommendations of the
18 Floodplain Administrator and the Building Official. The **Planning & Zoning Board** has the right
19 to attach such conditions as it deems necessary to further the purposes and objectives of this
20 ordinance.

21
22 **48-164 Restrictions in floodways.** A variance shall not be issued for any proposed
23 development in a floodway if any increase in base flood elevations would result, as evidenced
24 by the applicable analyses and certifications required in Section 48-153 of this ordinance.

1
2 **48-165 Historic buildings.** A variance is authorized to be issued for the repair, improvement,
3 or rehabilitation of a historic building that is determined eligible for the exception to the flood
4 resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 12
5 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation
6 will not preclude the building's continued designation as a historic building and the variance is
7 the minimum necessary to preserve the historic character and design of the building. If the
8 proposed work precludes the building's continued designation as a historic building, a variance
9 shall not be granted and the building and any repair, improvement, and rehabilitation shall be
10 subject to the requirements of the *Florida Building Code*.

11
12 **48-166 Functionally dependent uses.** A variance is authorized to be issued for the
13 construction or substantial improvement necessary for the conduct of a functionally dependent
14 use, as defined in this ordinance, provided the variance meets the requirements of Section 48-
15 164, is the minimum necessary considering the flood hazard, and all due consideration has
16 been given to use of methods and materials that minimize flood damage during occurrence of
17 the base flood.

18
19 **48-167 Considerations for issuance of variances.** In reviewing requests for variances, the
20 **Planning & Zoning Board** shall consider all technical evaluations, all relevant factors, all other
21 applicable provisions of the *Florida Building Code*, this ordinance, and the following:

- 22 (1) The danger that materials and debris may be swept onto other lands resulting in further
23 injury or damage;
- 24 (2) The danger to life and property due to flooding or erosion damage;

- 1 (3) The susceptibility of the proposed development, including contents, to flood damage and
2 the effect of such damage on current and future owners;
- 3 (4) The importance of the services provided by the proposed development to the
4 community;
- 5 (5) The availability of alternate locations for the proposed development that are subject to
6 lower risk of flooding or erosion;
- 7 (6) The compatibility of the proposed development with existing and anticipated
8 development;
- 9 (7) The relationship of the proposed development to the comprehensive plan and floodplain
10 management program for the area;
- 11 (8) The safety of access to the property in times of flooding for ordinary and emergency
12 vehicles;
- 13 (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport
14 of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- 15 (10) The costs of providing governmental services during and after flood conditions
16 including maintenance and repair of public utilities and facilities such as sewer, gas,
17 electrical and water systems, streets and bridges.

18
19 **48-168 Conditions for issuance of variances.** Variances shall be issued only upon:

- 20 (1) Submission by the applicant, of a showing of good and sufficient cause that the unique
21 characteristics of the size, configuration, or topography of the site limit compliance with
22 any provision of this ordinance or the required elevation standards;
- 23 (2) Determination by the **Planning & Zoning Board** that:
- 24 (a) Failure to grant the variance would result in exceptional hardship due to the
25

1 physical characteristics of the land that render the lot undevelopable; increased
2 costs to satisfy the requirements or inconvenience do not constitute hardship;

3 (b) The granting of a variance will not result in increased flood heights, additional
4 threats to public safety, extraordinary public expense, nor create nuisances,
5 cause fraud on or victimization of the public or conflict with existing local laws
6 and ordinances; and

7 (c) The variance is the minimum necessary, considering the flood hazard, to afford
8 relief;

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

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

20
21 **DIVISION 8 VIOLATIONS**

22
23 **48-169 Violations.** Any development that is not within the scope of the *Florida Building Code*
24 but that is regulated by this ordinance that is performed without an issued permit, that is in
25

1 conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed
2 a violation of this ordinance. A building or structure without the documentation of elevation of
3 the lowest floor, other required design certifications, or other evidence of compliance required
4 by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as
5 that documentation is provided.

6
7 **48-170 Authority.** For development that is not within the scope of the *Florida Building Code*
8 but that is regulated by this ordinance and that is determined to be a violation, the Floodplain
9 Administrator is authorized to serve notices of violation or stop work orders to owners of the
10 property involved, to the owner's agent, or to the person or persons performing the work.

11
12 **48-171 Unlawful continuance.** Any person who shall continue any work after having been
13 served with a notice of violation or a stop work order, except such work as that person is
14 directed to perform to remove or remedy a violation or unsafe condition, shall be subject to
15 penalties as prescribed by law.

16
17 **DIVISION 9 DEFINITIONS**

18
19 **48-172 Scope.** Unless otherwise expressly stated, the following words and terms shall, for the
20 purposes of this ordinance, have the meanings shown in this section.

21
22 **48-173 Terms defined in the *Florida Building Code*.** Where terms are not defined in this
23 ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings
24 ascribed to them in that code.

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48-174 Terms not defined. Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

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 ordinance.

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 1-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 "1-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

1 datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section
2 202.]

3
4 **Basement.** The portion of a building having its floor subgrade (below ground level) on all sides.
5 [Also defined in FBC, B, Section 202; see “Basement (for flood loads)”].

6
7 **Design flood.** The flood associated with the greater of the following two areas: [Also defined in
8 FBC, B, Section 202.]

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

12
13 **Design flood elevation.** The elevation of the “design flood,” including wave height, relative to
14 the datum specified on the community’s legally designated flood hazard map. In areas
15 designated as Zone AO, the design flood elevation shall be the elevation of the highest existing
16 grade of the building’s perimeter plus the depth number (in feet) specified on the flood hazard
17 map. In areas designated as Zone AO where the depth number is not specified on the map, the
18 depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

19
20 **Development.** Any man-made change to improved or unimproved real estate, including but not
21 limited to, buildings or other structures, tanks, temporary structures, temporary or permanent
22 storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling
23 operations or any other land disturbing activities.

1 **Encroachment.** The placement of fill, excavation, buildings, permanent structures or other
2 development into a flood hazard area which may impede or alter the flow capacity of riverine
3 flood hazard areas.

4
5 **Existing building and existing structure.** Any buildings and structures for which the “start of
6 construction” commenced before **September 5, 1978.** [Also defined in FBC, B, Section 202.]

7
8 **Existing manufactured home park or subdivision.** A manufactured home park or subdivision
9 for which the construction of facilities for servicing the lots on which the manufactured homes
10 are to be affixed (including, at a minimum, the installation of utilities, the construction of streets,
11 and either final site grading or the pouring of concrete pads) is completed before **September 5,**
12 **1978.**

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

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

21
22 **Flood or flooding.** A general and temporary condition of partial or complete inundation of
23 normally dry land from: [Also defined in FBC, B, Section 202.]

24 (1) The overflow of inland or tidal waters.

1 (2) The unusual and rapid accumulation or runoff of surface waters from any source.

2
3 **Flood damage-resistant materials.** Any construction material capable of withstanding direct
4 and prolonged contact with floodwaters without sustaining any damage that requires more than
5 cosmetic repair. [Also defined in FBC, B, Section 202.]
6

7 **Flood hazard area.** The greater of the following two areas: [Also defined in FBC, B, Section
8 202.]

9 (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any
10 year.

11 (2) The area designated as a flood hazard area on the community's flood hazard map, or
12 otherwise legally designated.
13

14 **Flood Insurance Rate Map (FIRM).** The official map of the community on which the Federal
15 Emergency Management Agency has delineated both special flood hazard areas and the
16 risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]
17

18 **Flood Insurance Study (FIS).** The official report provided by the Federal Emergency
19 Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and
20 Floodway Map (if applicable), the water surface elevations of the base flood, and supporting
21 technical data. [Also defined in FBC, B, Section 202.]
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1 **Floodplain Administrator.** The office or position designated and charged with the
2 administration and enforcement of this ordinance (may be referred to as the Floodplain
3 Manager).

4
5 **Floodplain development permit or approval.** An official document or certificate issued by the
6 community, or other evidence of approval or concurrence, which authorizes performance of
7 specific development activities that are located in flood hazard areas and that are determined to
8 be compliant with this ordinance.

9
10 **Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas
11 that must be reserved in order to discharge the base flood without cumulatively increasing the
12 water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 202.]

13
14 **Floodway encroachment analysis.** An engineering analysis of the impact that a proposed
15 encroachment into a floodway is expected to have on the floodway boundaries and base flood
16 elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using
17 standard engineering methods and models.

18
19 **Florida Building Code.** The family of codes adopted by the Florida Building Commission,
20 including: *Florida Building Code, Building; Florida Building Code, Residential; Florida Building*
21 *Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing;*
22 *Florida Building Code, Fuel Gas.*

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

6
7 **Highest adjacent grade.** The highest natural elevation of the ground surface prior to
8 construction next to the proposed walls or foundation of a structure.

9
10 **Historic structure.** Any structure that is determined eligible for the exception to the flood
11 hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic
12 Buildings.

13
14 **Letter of Map Change (LOMC).** An official determination issued by FEMA that amends or
15 revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map
16 Change include:

17 Letter of Map Amendment (LOMA): An amendment based on technical data showing
18 that a property was incorrectly included in a designated special flood hazard area. A
19 LOMA amends the current effective Flood Insurance Rate Map and establishes that a
20 specific property, portion of a property, or structure is not located in a special flood
21 hazard area.

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

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

6 Conditional Letter of Map Revision (CLOMR): A formal review and comment as to
7 whether a proposed flood protection project or other project complies with the
8 minimum NFIP requirements for such projects with respect to delineation of special
9 flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate
10 Map or Flood Insurance Study; upon submission and approval of certified as-built
11 documentation, a Letter of Map Revision may be issued by FEMA to revise the
12 effective FIRM.

13
14 **Light-duty truck.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds
15 Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or
16 less and which has a basic vehicle frontal area of 45 square feet or less, which is:

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

22
23 **Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure, including
24 basement, but excluding any unfinished or flood-resistant enclosure, other than a basement,
25

1 usable solely for vehicle parking, building access or limited storage provided that such
2 enclosure is not built so as to render the structure in violation of the non-elevation requirements
3 of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 202.]
4

5 **Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet
6 or more in width and greater than four hundred (400) square feet, and which is built on a
7 permanent, integral chassis and is designed for use with or without a permanent foundation
8 when attached to the required utilities. The term "manufactured home" does not include a
9 "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]
10

11 **Manufactured home park or subdivision.** A parcel (or contiguous parcels) of land divided
12 into two or more manufactured home lots for rent or sale.
13

14 **Market value.** The price at which a property will change hands between a willing buyer and a
15 willing seller, neither party being under compulsion to buy or sell and both having reasonable
16 knowledge of relevant facts. As used in this ordinance, the term refers to the market value of
17 buildings and structures, excluding the land and other improvements on the parcel. Market
18 value may be established by a qualified independent appraiser, Actual Cash Value
19 (replacement cost depreciated for age and quality of construction), or tax assessment value
20 adjusted to approximate market value by a factor provided by the Property Appraiser.
21

22 **New construction.** For the purposes of administration of this ordinance and the flood resistant
23 construction requirements of the *Florida Building Code*, structures for which the "start of
24
25

1 construction” commenced on or after **September 5, 1978** and includes any subsequent
2 improvements to such structures.

3
4 **New manufactured home park or subdivision.** A manufactured home park or subdivision for
5 which the construction of facilities for servicing the lots on which the manufactured homes are to
6 be affixed (including at a minimum, the installation of utilities, the construction of streets, and
7 either final site grading or the pouring of concrete pads) is completed on or after **September 5,**
8 **1978.**

9
10 **Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and
11 which is built on a single chassis and is designed to provide seasonal or temporary living
12 quarters when connected to utilities necessary for operation of installed fixtures and appliances.
13 [Defined in section 320.01, F.S.]

14
15 **Recreational vehicle.** A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

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

1 **Special flood hazard area.** An area in the floodplain subject to a 1 percent or greater chance of
2 flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO,
3 A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]
4

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

11 Permanent construction does not include land preparation (such as clearing, grading, or
12 filling), the installation of streets or walkways, excavation for a basement, footings, piers, or
13 foundations, the erection of temporary forms or the installation of accessory buildings such as
14 garages or sheds not occupied as dwelling units or not part of the main buildings. For a
15 substantial improvement, the actual “start of construction” means the first alteration of any wall,
16 ceiling, floor or other structural part of a building, whether or not that alteration affects the
17 external dimensions of the building. [Also defined in FBC, B Section 202.]
18

19 **Substantial damage.** Damage of any origin sustained by a building or structure whereby the
20 cost of restoring the building or structure to its before-damaged condition would equal or exceed
21 50 percent of the market value of the building or structure before the damage occurred. [Also
22 defined in FBC, B Section 202.]
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1 **Substantial improvement.** Any repair, reconstruction, rehabilitation, addition, or other
2 improvement of a building or structure, the cost of which equals or exceeds 50 percent of the
3 market value of the building or structure before the improvement or repair is started. If the
4 structure has incurred "substantial damage," any repairs are considered substantial
5 improvement regardless of the actual repair work performed. The term does not, however,
6 include either: [Also defined in FBC, B, Section 202.]

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

10 (2) Any alteration of a historic structure provided the alteration will not preclude the
11 structure's continued designation as a historic structure.

12
13 **Variance.** A grant of relief from the requirements of this ordinance, or the flood resistant
14 construction requirements of the *Florida Building Code*, which permits construction in a manner
15 that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

16
17 **Watercourse.** A river, creek, stream, channel or other topographic feature in, on, through, or
18 over which water flows at least periodically.

19
20 **DIVISION 10 BUILDINGS AND STRUCTURES**

21
22 **48-175 Design and construction of buildings, structures and facilities exempt from the**
23 ***Florida Building Code.*** Pursuant to Section 48-145 of this ordinance, buildings, structures, and
24 facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair

1 of substantial damage of such buildings, structures and facilities, shall be designed and constructed
2 in accordance with the flood load and flood resistant construction requirements of ASCE 24.
3 Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall
4 comply with the requirements of Division 16 of this ordinance.

5
6 **DIVISION 11 SUBDIVISIONS**

7
8 **48-176 Minimum requirements.** Subdivision proposals, including proposals for manufactured
9 home parks and subdivisions, shall be reviewed to determine that:

- 10 (1) Such proposals are consistent with the need to minimize flood damage and will be
11 reasonably safe from flooding;
- 12 (2) All public utilities and facilities such as sewer, gas, electric, communications, and water
13 systems are located and constructed to minimize or eliminate flood damage; and
- 14 (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and
15 AO, adequate drainage paths shall be provided to guide floodwaters around and away
16 from proposed structures.

17
18 **48-177 Subdivision plats.** Where any portion of proposed subdivisions, including
19 manufactured home parks and subdivisions, lies within a flood hazard area, the following shall
20 be required:

- 21 (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design
22 flood elevations, as appropriate, shall be shown on preliminary plats;

- 1 (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood
2 elevations are not included on the FIRM, the base flood elevations determined in
3 accordance with Section 48-152(1) of this ordinance; and
4 (3) Compliance with the site improvement and utilities requirements of Division 12 of this
5 ordinance.

6
7 **DIVISION 12 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**

8
9 **48-178 Minimum requirements.** All proposed new development shall be reviewed to determine
10 that:

- 11 (1) Such proposals are consistent with the need to minimize flood damage and will be
12 reasonably safe from flooding;
13 (2) All public utilities and facilities such as sewer, gas, electric, communications, and water
14 systems are located and constructed to minimize or eliminate flood damage; and
15 (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and
16 AO, adequate drainage paths shall be provided to guide floodwaters around and away
17 from proposed structures.

18
19 **48-179 Sanitary sewage facilities.** All new and replacement sanitary sewage facilities, private
20 sewage treatment plants (including all pumping stations and collector systems), and on-site
21 waste disposal systems shall be designed in accordance with the standards for onsite sewage
22 treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize
23 or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood
24 waters, and impairment of the facilities and systems.

1 **48-180 Water supply facilities.** All new and replacement water supply facilities shall be
2 designed in accordance with the water well construction standards in Chapter 62-532.500,
3 F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the
4 systems.

5
6 **48-181 Limitations on sites in regulatory floodways.** No development, including but not
7 limited to site improvements, and land disturbing activity involving fill or regrading, shall be
8 authorized in the regulatory floodway unless the floodway encroachment analysis required in
9 Section 48-153(1) of this ordinance demonstrates that the proposed development or land
10 disturbing activity will not result in any increase in the base flood elevation.

11
12 **48-182 Limitations on placement of fill.** Subject to the limitations of this ordinance, fill shall
13 be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of
14 floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In
15 addition to these requirements, if intended to support buildings and structures (Zone A only), fill
16 shall comply with the requirements of the *Florida Building Code*.

17
18 **DIVISION 13 MANUFACTURED HOMES**

19
20 **48-183 General.** All manufactured homes installed in flood hazard areas shall be installed by
21 an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the
22 requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

1 **48-184 Foundations.** All new manufactured homes and replacement manufactured homes
2 installed in flood hazard areas shall be installed on permanent, reinforced foundations that are
3 designed in accordance with the foundation requirements of the *Florida Building Code*
4 *Residential* Section R322.2 and this ordinance. Foundations for manufactured homes subject to
5 Section 48-188 of this ordinance are permitted to be reinforced piers or other foundation
6 elements of at least equivalent strength.

7
8 **48-185 Anchoring.** All new manufactured homes and replacement manufactured homes shall
9 be installed using methods and practices which minimize flood damage and shall be securely
10 anchored to an adequately anchored foundation system to resist flotation, collapse or lateral
11 movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame
12 ties to ground anchors. This anchoring requirement is in addition to applicable state and local
13 anchoring requirements for wind resistance.

14
15 **48-186 Elevation.** Manufactured homes that are placed, replaced, or substantially improved
16 shall comply with Section 48-187 or 48-188 of this ordinance, as applicable.

17
18 **48-187 General elevation requirement.** Unless subject to the requirements of Section 48-188
19 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved
20 on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new
21 manufactured home park or subdivision; (c) in an expansion to an existing manufactured home
22 park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a
23 manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated

1 such that the bottom of the frame is at or above the elevation required, as applicable to the flood
2 hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).

3
4 **48-188 Elevation requirement for certain existing manufactured home parks and**
5 **subdivisions.** Manufactured homes that are not subject to Section 48-187 of this ordinance,
6 including manufactured homes that are placed, replaced, or substantially improved on sites
7 located in an existing manufactured home park or subdivision, unless on a site where
8 substantial damage as result of flooding has occurred, shall be elevated such that either the:

9 (1) Bottom of the frame of the manufactured home is at or above the elevation required in
10 the *Florida Building Code, Residential* Section R322.2 (Zone A); or

11 (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at
12 least equivalent strength that are not less than 36 inches in height above grade.

13
14 **48-189 Enclosures.** Enclosed areas below elevated manufactured homes shall comply with the
15 requirements of the *Florida Building Code, Residential* Section R322.2 for such enclosed areas.

16
17 **48-190 Utility equipment.** Utility equipment that serves manufactured homes, including
18 electric, heating, ventilation, plumbing, and air conditioning equipment and other service
19 facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section
20 R322.

1 **DIVISION 14 RECREATIONAL VEHICLES AND PARK TRAILERS**

2
3 **48-191 Temporary placement.** Recreational vehicles and park trailers placed temporarily in
4 flood hazard areas shall:

- 5 (1) Be on the site for fewer than 180 consecutive days; or
6 (2) Be fully licensed and ready for highway use, which means the recreational vehicle or
7 park model is on wheels or jacking system, is attached to the site only by quick-
8 disconnect type utilities and security devices, and has no permanent attachments such
9 as additions, rooms, stairs, decks and porches.

10
11 **48-192 Permanent placement.** Recreational vehicles and park trailers that do not meet the
12 limitations in Section 48-191 of this ordinance for temporary placement shall meet the
13 requirements of Division 13 of this ordinance for manufactured homes.

14
15 **DIVISION 15 TANKS**

16
17 **48-192 Underground tanks.** Underground tanks in flood hazard areas shall be anchored to
18 prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic
19 loads during conditions of the design flood, including the effects of buoyancy assuming the tank
20 is empty.

21 **48-193 Above-ground tanks, not elevated.** Above-ground tanks that do not meet the
22 elevation requirements of Section 48-194 of this ordinance shall be permitted in flood hazard
23 areas provided the tanks are anchored or otherwise designed and constructed to prevent
24 flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during
25

1 conditions of the design flood, including the effects of buoyancy assuming the tank is empty and
2 the effects of flood-borne debris.

3
4 **48-194 Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be
5 attached to and elevated to or above the design flood elevation on a supporting structure that is
6 designed to prevent flotation, collapse or lateral movement during conditions of the design flood.
7 Tank-supporting structures shall meet the foundation requirements of the applicable flood
8 hazard area.

9
10 **48-195 Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

- 11 (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow
12 of floodwater or outflow of the contents of the tanks during conditions of the design flood;
13 and
14 (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic
15 loads, including the effects of buoyancy, during conditions of the design flood.

16
17 **DIVISION 16 OTHER DEVELOPMENT**

18
19 **48-196 General requirements for other development.** All development, including man-made
20 changes to improved or unimproved real estate for which specific provisions are not specified in
21 this ordinance or the *Florida Building Code*, shall:

- 22 (1) Be located and constructed to minimize flood damage;
23 (2) Meet the limitations of Section 48-181 of this ordinance if located in a regulated
24 floodway;

1 **(3)** Be anchored to prevent flotation, collapse or lateral movement resulting from
2 hydrostatic loads, including the effects of buoyancy, during conditions of the design
3 flood;

4 **(4)** Be constructed of flood damage-resistant materials; and

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

10
11 **48-197 Fences in regulated floodways.** Fences in regulated floodways that have the potential
12 to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet
13 the limitations of Section 48-181 of this ordinance.

14
15 **48-1983 Retaining walls, sidewalks and driveways in regulated floodways.** Retaining walls
16 and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet
17 the limitations of Section 48-181 of this ordinance.

18
19 **48-199 Roads and watercourse crossings in regulated floodways.** Roads and watercourse
20 crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles
21 or pedestrians to travel from one side of a watercourse to the other side, that encroach into
22 regulated floodways shall meet the limitations of Section 48-181 of this ordinance. Alteration of
23 a watercourse that is part of a road or watercourse crossing shall meet the requirements of
24 Section 48-153(3) of this ordinance.

1 **SECTION 3. Belle Isle Code, Chapter 6 Building and Building Regulations, Article 1 In**
2 **General, is hereby amended by the following technical amendments to the *Florida***
3 ***Building Code, Residential.***

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

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

11 *Remainder unchanged*

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

- 14 1. Be used solely for parking of vehicles, building access or storage. The
15 interior portion of such enclosed areas shall not be partitioned or finished into
16 separate rooms except for stairwells, ramps, and elevators, unless a partition
17 is required by the fire code. The limitation on partitions does not apply to load
18 bearing walls interior to perimeter wall (crawl space) foundations. Access to
19 enclosed areas shall be the minimum necessary to allow for the parking of
20 vehicles (garage door) or limited storage of maintenance equipment used in
21 connection with the premises (standard exterior door) or entry to the building
22 (stairway or elevator).

23 *Remainder unchanged*

1 **SECTION 4. Belle Isle Code, Chapter 6 Building and Building Regulations, Article 1 In**
2 **General, is hereby amended by the following technical amendments to the *Florida***
3 ***Building Code, Building.***

4 **1612.4.1 Additional requirements for enclosed areas.** In addition to the requirements of
5 **ASCE 24, enclosed areas below the design flood elevation shall not be partitioned or finished**
6 **into separate rooms except for stairwells, ramps, and elevators.**

7
8 **SECTION 5. FISCAL IMPACT STATEMENT.**

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

15
16 **SECTION 6. APPLICABILITY.**

17 For the purposes of jurisdictional applicability, this ordinance shall apply in **the City of Belle**
18 **Isle, FL.** This ordinance shall apply to all applications for development, including building permit
19 applications and subdivision proposals, submitted on or after the effective date of this
20 ordinance.

21
22 **SECTION 7. INCLUSION INTO THE CODE OF ORDINANCES.**

23 It is the intent of the **City Council** that the provisions of this ordinance shall become and be
24 made a part of the **City of Belle Isle, FL** Code of Ordinances, and that the sections of this
25

1 ordinance may be renumbered or relettered and the word "ordinance" may be changed to
2 "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish
3 such intentions.

4
5 **SECTION 8. SEVERABILITY.**

6 If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason,
7 declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity
8 of the ordinance as a whole, or any part thereof, other than the part so declared.

9
10 **SECTION 9. EFFECTIVE DATE.**

11 This ordinance shall take effect on {insert date of 2nd reading here}.

12 First Reading held 7th day of February, 2017.

13 Advertised on the 11th day of February, 2017.

14 Second Reading and Adoption held 21st day of February, 2017.

	ABSENT	YES	NO
17 Ed Gold	_____	_____	_____
18 Anthony Carugno	_____	_____	_____
19 Jeremy Weinsier	_____	_____	_____
20 Bobby Lance	_____	_____	_____
21 Harvey Readey	_____	_____	_____
22 Lenny Mosse	_____	_____	_____
23 Sue Nielsen	_____	_____	_____

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Lydia Pisano, Mayor

ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality Frank Kruppenbacher, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, YOLANDA QUICENO, CITY CLERK OF BELLE ISLE, FLORIDA, do hereby certify that the above and foregoing Ordinance 17-01 was duly and legally passed and adopted by the Belle Isle City Council, in session assembled, at which session a quorum of the City Council was present on the _____ day of _____, 2017.

Yolanda Quiceno, CMC-City Clerk