

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

TITLE: ARTICLE 18, FLOOD DAMAGE PREVENTION - REQUEST FOR PERMISSION TO ADVERTISE

SUMMARY: The proposed ordinance will account for consistency with the Florida Model Flood Damage Prevention Ordinance, as follows:

- Exhibit A - Art. 1, General Provisions
- Exhibit B - Art. 18, Flood Damage Prevention

For the first time since 1982 the Flood Insurance Rate Maps (FIRMs) for Palm Beach County have been revised by the Federal Emergency Management Agency (FEMA). Additionally, FEMA and the Florida Department of Emergency Management (FDEM) are mandating all communities in the State of Florida to adopt a new jointly developed model floodplain management ordinance which is designed to closely coordinate federal regulations with specific floodplain management criteria now contained within the Florida Building Code. As a result of these factors, in order to comply fully with federal and state regulations, ULDC Article 18 must be repealed and replaced with an effective date of 10/5/2017. This date also coincides with the effective date of the new FIRMs. The new version of Article 18 is based upon the FDEM/FEMA model of the Floodplain Ordinance, combined with existing County practices and procedures. This update also requires revisions to Article 1 definitions which specifically relate to Article 18 which are included.

Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for Adoption of Article 18, Flood Damage Prevention on August 24, 2017.

LDRAB/LDRC: Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulations Commission (LDRC) Determination: Scheduled for July 26, 2017.

MOTION: To approve the Request for Permission to Advertise for Adoption of Article 18, Flood Damage Prevention on August 24, 2017: **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE PALM BEACH COUNTY UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-67, AS AMENDED, BY REPEALING ARTICLE 18 AND ADOPTING A NEW ARTICLE 18, PROVIDING FOR FLOOD DAMAGE PREVENTION REGULATIONS, FLOOD HAZARD MAPS, DESIGNATION OF A FLOODPLAIN ADMINISTRATOR, PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; AMENDING ARTICLE 1 TO PROVIDE FOR DEFINITIONS RELATED TO FLOOD DAMAGE PREVENTION REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE.**

ORDINANCE 2017 - _____

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE PALM BEACH COUNTY UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-67, AS AMENDED, **BY REPEALING ARTICLE 18 AND ADOPTING A NEW ARTICLE 18, PROVIDING FOR FLOOD DAMAGE PREVENTION REGULATIONS, FLOOD HAZARD MAPS, DESIGNATION OF A FLOODPLAIN ADMINISTRATOR, PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; AMENDING ARTICLE 1 TO PROVIDE FOR DEFINITIONS RELATED TO FLOOD DAMAGE PREVENTION REGULATIONS;** PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, pursuant to its powers contained in the Florida Constitution, Florida Statutes and the Palm Beach County Charter, is authorized to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

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

WHEREAS, Palm Beach County, Florida, was accepted for participation in the National Flood Insurance Program on January 31, 1979, and the Board of County Commissioners desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

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

WHEREAS, Section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the Florida Building Code to implement the National Flood Insurance Program; and

WHEREAS, the Board of County Commissioners has determined that it is in the public interest to adopt the proposed flood damage prevention regulations;

1 **WHEREAS**, the Land Development Regulation Commission has found this
2 proposed Ordinance to be consistent with the adopted Comprehensive Plan; and

3 **WHEREAS**, public hearings have been held by the Board of County
4 Commissioners consistent with the requirements set forth in section 125.66, Florida
5 Statutes.

6

7 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
8 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

9 **SECTION 1. ADOPTION OF AMENDMENT TO THE UNIFIED LAND**
10 **DEVELOPMENT CODE:**

11 Article 1 of the Palm Beach County Unified Land Development Code is hereby
12 amended as set forth in Exhibit A, and Article 18 of the Palm Beach County Unified
13 Land Development Code is hereby repealed in its entirety and replaced with a new
14 Article 18 as set forth in Exhibit B, both of which are attached hereto and made a part
15 hereof.

16

17 **SECTION 2. REPEAL OF LAWS IN CONFLICT:**

18 All local laws and ordinances that apply in Palm Beach County in conflict with
19 any provision of this Ordinance are hereby repealed to the extent of any such conflict.

20

21 **SECTION 3. SEVERABILITY:**

22 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is
23 for any reason held by the Court to be unconstitutional, inoperative or void, such holding
24 shall not affect the remainder of this Ordinance.

25

26 **SECTION 4. SAVINGS CLAUSE:**

27 All development orders, permits, enforcement orders, ongoing enforcement
28 actions, and all other actions of the Board of County Commissioners, all Palm Beach
29 County administrative boards, hearing boards, enforcement boards, special masters,
30 hearing officers, and all other county decision-making officials and boards, issued
31 pursuant to the procedures established by prior Palm Beach County regulations, shall

1 remain in full force and effect. Each individual appointed to the Flood Damage
2 Prevention Board shall serve for the remainder of his or her term.

3

4 **SECTION 5. INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE:**

5 The provisions of this Ordinance shall become and be made a part of the Unified
6 Land Development Code of Palm Beach County, Florida. The Sections of this
7 Ordinance may be renumbered or relettered to accomplish such, and the word
8 "ordinance" may be changed to "section," "Article," or any other appropriate word.

9

10 **SECTION 6. EFFECTIVE DATE:**

11 The provisions of this Ordinance shall become effective October 5, 2017.

12

13 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
14 Beach County, on the ____ day of _____, 2017.

15

SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Paulette Burdick, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

16

17

18 Filed with the Department of State on this ____ day of _____, 2017.

EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 Part 1. ULDC Art. 1.I, Definitions and Acronyms (pages 30 - 113 of 119), is hereby amended as
2 follows:
3

Reason for amendments: [Building] Article 1 is being amended to be consistent with the proposed amendments to Art. 18, Flood Damage Prevention. These amendments are based on the Model Floodplain Management Ordinance prepared by the Florida Division of Emergency Management. The Model Ordinance is coordinated with the Florida Building Code and approved by the Federal Emergency Management Agency.

4 CHAPTER I DEFINITION & ACRONYMS

5 Section 2 Definitions

6 A. Terms defined herein or referenced in this Article shall have the following meanings:

7
8 ~~19. Addition — for the purposes of Art. 18 (to an existing building), means any walled and roofed~~
9 ~~expansion to the perimeter of a building in which the addition is connected by a common load-~~
10 ~~bearing wall other than a firewall. Any walled and roofed expansion, which is connected by a~~
11 ~~firewall or is separated by independent perimeter load-bearing walls, is new construction, not~~
12 ~~an addition. [Ord. 2004-013]~~

13
14 67. Alteration of a Watercourse - for the purposes of Art. 18, a dam, impoundment, channel
15 relocation, change in channel alignment, channelization, or change in cross-sectional area of
16 the channel or the channel capacity, or any other form of modification which may alter, impede,
17 retard or change the direction and/or velocity of the riverine flow of water during conditions of
18 the Base Flood.

19
20 77. Appeal - for the purposes of Art. 18, a request for a review of the Floodplain Administrator's
21 interpretation of any provision of Art. 18, which is filed with the Flood Damage Prevention
22 Board.

23
24 ~~88. Area of Shallow Flooding — for the purposes of Art. 18, a designated AO or AH Zone on 1the~~
25 ~~latest edition of FEMA issued FIRM for the county with Base Flood depths from one to three~~
26 ~~feet where a clearly defined channel does not exist, where the path of flooding is unpredictable~~
27 ~~and indeterminate, and where velocity flow may be evident. Such flooding is characterized by~~
28 ~~ponding or sheet flow. [Ord. 2004-013]~~

29 ~~89. Area of Special Flood Hazard — for the purposes of Art. 18, (see Special Flood Hazard Area~~
30 ~~(SFHA) the land in the floodplain which is subject to a one percent or greater chance of flooding~~
31 ~~in any given year (100-Year floodplain as defined by FEMA), and land developed into building~~
32 ~~sites without a master stormwater drainage system. [Ord. 2004-013]~~

33
34 98. ASCE 24 - for the purposes of Art. 18, a standard titled Flood Resistant Design and
35 Construction that is referenced by the Florida Building Code. ASCE 24 is developed and
36 published by the American Society of Civil Engineers, Reston, VA.

37 **[Renumber accordingly]**

38 B. Terms defined herein or referenced in this Article shall have the following meanings:

39
40 **6. Base Flood -**
41 ~~a. —the flood having a one percent chance of being equaled or exceeded in any given year.~~
42 ~~b. — for the purposes of Art. 18, the flood event having a one percent chance of being equaled~~
43 ~~or exceeded in any given year (also called the “100-Year Flood” and the “Regulatory~~
44 ~~Flood”). [Ord. 2004-013] a flood having a one-percent chance of being equaled or~~
45 ~~exceeded in any given year. The Base Flood is commonly referred to as the "100 year~~
46 ~~flood" or the “one-percent-annual-chance flood.”~~

47 **7. Base Flood Elevation (BFE) – for the purposes of Art. 18, ~~the highest water surface elevation~~**
48 ~~associated with the Base Flood, set by FEMA in SFHAs. [Ord. 2004-013] the elevation of the~~
49 ~~Base Flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD),~~
50 ~~North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate~~
51 ~~Map (FIRM).~~

52 **8. Basement - for the purposes of Art. 18, the portion of a Building having its floor subgrade**
53 ~~(below ground level) on all sides.~~

54 **[Renumber accordingly]**

Notes:

- Underlined indicates new text.
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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 5-30-17)

48. Breakaway Walls –

- a. any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or other suitable Building material, that is not part of the structural support of the Building and is intended through its design and construction to collapse under specific later loading forces without causing damage to the elevated portion of the Building or the supporting foundation system.
- b. ~~for the purposes of Art. 18, a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.~~

....
54-55. Building -

- a. Any Structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. For purposes of this Code, tanks (including but not limited to water, gas and other types of storage tanks) and water towers will not be considered Buildings. **[Ord. 2007-013]**
- b. For the purposes of Art. 18, a Structure that encloses an area for any use and shall not include Structures such as walls, playground equipment or gas tanks. The terms Structure and Building are interchangeable in the National Flood Insurance Program. **[Ord. 2004-013]**

[Renumber accordingly]

- C. Terms defined herein or referenced in this Article shall have the following meanings:

....
36. Coastal Construction Control Line - for the purposes of Art. 18, the line established by the State of Florida, pursuant to section 161.053, F.S., which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

36-37. Coastal High Hazard Area -

- a. ~~The area subject to high velocity waters, including, but not limited to, hurricane wave wash or tsunamis regulated by F.S. §163.3178(2)(h), as amended. The area is designated on the FIRM as Zone VI-30. [Ord. 2013-021]~~
- b. ~~For the purposes of Art. 18, a SFHA extending from offshore to the inland limit of a primary frontal dune along an open coast and any other areas including, but not limited to, hurricane surges or subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-V30, VE, or V. [Ord. 2004-013] for the purposes of Art. 18, 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 a Flood Insurance Rate Map as Zone V1-V30, VE or V.~~

[Renumber accordingly]

- D. Terms defined herein or referenced in this Article shall have the following meanings:

....
20. Design Flood - for the purposes of Art. 18, the flood associated with the greater of the following two areas:

- a. Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
- b. Area designated as a Special Flood Hazard Area on the community's flood hazard map, or otherwise legally designated.

21. Design Flood Elevation - for the purposes of Art. 18, the elevation of the Design Flood, including wave height, relative to the datum specified on the community's legally-designated flood hazard map plus any freeboard specified by the community. In areas designated as Zone AO, the Design Flood Elevation shall be the elevation of the highest natural grade, prior to site Development at 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 plus any freeboard specified by the community.

....
30. Development

- a. The carrying out of any Building activity or mining operation, the making of any material change in the use or appearance of land, or the dividing of land into two or more parcels;
- b. For the purposes of Art. 9, archaeological preservation, the definition in F.S. § 380.04, as well as site preparation work consisting of excavation, earth moving, and the like. This definition shall not include the dividing of land into two or more parcels;

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS

(Updated 5-30-17)

- 1 c. For the purposes of Art. 12, as defined in F.S. § 380.04, except that it shall not include the
2 following items listed therein the: (1) demolition of a Structure except as an adjunct of
3 construction; (2) clearing of land except as an adjunct of construction; and (3) deposit of
4 refuse, solid or liquid waste, or fill on a lot unless the Site Specific Development Order is
5 specifically for such as the end use and not as an adjunct to the end use;
- 6 d. For the purposes of Art. 13, as the context indicates, either the carrying on of construction
7 or any physical alteration of a Building or Structure; the result of such activity; a legally
8 divisible parcel of land developed under a common plan; or the change in any use of a
9 Structure or land that increases the impact on capital facilities for which the particular
10 impact fee is assessed. It includes the placement of a mobile home for dwelling purposes;
- 11 e. ~~For the purposes of Art. 18, any man-made change of a Building or other Structure, or the~~
12 ~~carrying out of any activity to improved or unimproved real estate so as to change the use~~
13 ~~or appearance of the land, including, but not limited to, mining, dredging, filling, grading,~~
14 ~~paving, excavating, drilling operations, or permanent storage of materials or equipment..~~
15 [Ord. 2004-013] For the purposes of Art. 18, any man-made change to improved or
16 unimproved real estate, including, but not limited to, Buildings or other Structures, tanks,
17 temporary Structures, temporary or permanent storage of equipment or materials, mining,
18 dredging, filling, grading, paving, excavations, drilling operations or any other land-
19 disturbing activities.
- 20
- 21 E. Terms defined herein or referenced in this Article shall have the following meanings:
- 22
- 23 **44. Existing Manufactured Home Park or Subdivision** - for the purposes of Art. 18, a
24 Manufactured Home Park or Subdivision for which the construction of facilities for servicing the
25 lots on which the Manufactured Homes are to be affixed (including, at a minimum, the
26 installation of utilities, the construction of streets, and either final site grading or the pouring of
27 concrete pads) is completed before ~~the effective date of the first Flood Damage Prevention~~
28 ~~Regulations adopted by the County, Ordinance 79-1, on~~ January 31, 1979. **[Ord. 2004-013]**
- 29
- 30 F. Terms defined herein or referenced in this Article shall have the following meanings:
- 31
- 32 **9. Federal Emergency Management Agency (FEMA)** - for the purposes of Art. 18, the federal
33 agency that, in addition to carrying out other functions, administers the National Flood Insur-
34 ance Program.
- 35
- 36 ~~**33. Flood Boundary and Floodway Map (FBFM)** - for the purposes of Art. 18, the latest edition~~
37 ~~of the official map on which the FEMA or Federal Insurance Administration (FIA) has delineated~~
38 ~~SFHAs and regulatory floodway. **[Ord. 2004-013]**~~
- 39 ~~**34. Flooding, Area of Shallow** - a designated AO or VO Zone on the FIRM; the Base Flood depth~~
40 ~~ranges from one to three feet; a clearly defined channel does not exist; the path of flooding is~~
41 ~~unpredictable and indeterminable; and velocity flow may be evident.~~
- 42 ~~**35. Flooding, Area of Special Flood Hazard** - the land in the flood plain subject to a one percent~~
43 ~~or greater chance of flooding in any given year.~~
- 44
- 45 ~~**37. Flood Damage Prevention** - for the purposes of Art. 18, the operation of an overall program~~
46 ~~of corrective and preventive measures for reducing flood damage and preserving and~~
47 ~~enhancing, where possible, natural resources in the flood-prone areas including, but not limited~~
48 ~~to, emergency preparedness plans, flood control works, flood damage prevention regulations,~~
49 ~~open space plans, and setting of minimum floor elevations. **[Ord. 2004-013]**~~
- 50 ~~**38.37. Flood Damage Prevention Floodplain Administrator** - for the purposes of Art. 18, the~~
51 ~~County Building Official hereby appointed to administer and enforce these flood damage~~
52 ~~prevention regulations, including, but not limited to, all Variance and Appeal hearings before~~
53 ~~the Flood Damage Prevention Board or a designee of the Building Official's holding a FEMA~~
54 ~~Certified Floodplain Manager Designation. **[Ord. 2004-013]**~~
- 55 ~~**39. Flood Damage Resistant Materials** - for the purposes of Art. 18, any construction material~~
56 ~~capable of withstanding direct and prolonged contact with floodwaters without sustaining any~~
57 ~~damage that requires more than cosmetic repair.~~
- 58 ~~**40. Flood Damage Prevention Ordinance** - for the purposes of Art. 18, the regulations and FEMA~~
59 ~~documents referenced in Art.18.A.1.A.1. In addition, there may be other controls on~~
60 ~~development in flood-prone areas contained in zoning ordinances, subdivision regulations,~~
61 ~~building codes and other state and federal regulations. **[Ord. 2004-013]**~~
- 62 ~~**40. Flood Hazard Area** - for the purposes of Art. 18, the greatest of the following three areas:~~
63 ~~a. The area within a floodplain subject to a one-percent or greater chance of flooding in any~~
64 ~~year.~~

Notes:

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 5-30-17)

- 1 b. The area designated as a Flood Hazard Area on the community's flood hazard map, or
2 otherwise legally designated.
3 c. The area developed into Building sites without a master-engineered stormwater drainage
4 plan.
5 ~~41. Flood Hazard Boundary Map (FHBM)–~~
6 ~~a. The official map of PBC, produced by the FEMA or by PBC, where the boundaries of the~~
7 ~~areas of special flood hazard have been designated as Zone A.~~
8 ~~b. For the purposes of Art. 18, the latest edition of an official map of the County, issued by~~
9 ~~FEMA that indicate approximate areas of 100-year flood hazards in a community. [Ord.~~
10 ~~2004-013]~~
11 **42. Flood Insurance Rate Map (FIRM) -** for the purposes of Art. 18, ~~the latest edition of an official~~
12 ~~map of the County, on which FEMA has delineated both the FEMA SFHAs and the risk~~
13 ~~premium zones applicable to the County. [Ord. 2004-013] the official map of the community~~
14 ~~on which the Federal Emergency Management Agency has delineated both Special Flood~~
15 ~~Hazard Areas and the risk premium zones applicable to the community.~~
16 **43. Flood Insurance Study (FIS) –** for the purposes of Art. 18, ~~the official hydraulic and hydrologic~~
17 ~~report provided by FEMA. This report contains flood profiles, as well as the FIRM, FHBM~~
18 ~~(where applicable) and the water surface elevation of the Base Flood the official report provided~~
19 ~~by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map,~~
20 ~~the Flood Boundary and Floodway Map (if applicable), the Water Surface Elevations of the~~
21 ~~Base Flood, and supporting technical data.~~
22
23 **46. Floodplain Development Permit or Approval -** for the purposes of Art. 18, ~~an official~~
24 ~~document or certificate issued by the community, or other evidence of approval or concurrence,~~
25 ~~which authorizes performance of specific Development activities that are located in Special~~
26 ~~Flood Hazard Areas and that are determined to be compliant with Art. 18.~~
27 **47. Floodproofing -** ~~any combination of structural or nonstructural adjustments, changes, or actions~~
28 ~~that reduce or eliminate flood damage to a structure, content, and attendant utilities and~~
29 ~~equipment.~~
30 ~~45.48. Floodway -~~
31 ~~a. The channel of a river or other watercourse and the adjacent land areas that must be~~
32 ~~reserved in order to discharge the Base Flood without cumulatively increasing the Water~~
33 ~~Surface Elevation more than one foot.~~
34 ~~b. For the purposes of Art. 18, the channel of a river or other watercourse, intercoastals, and~~
35 ~~the adjacent land areas that must be reserved in order to discharge the Base Flood without~~
36 ~~cumulatively increasing the water surface elevation more than 12 inches. [Ord. 2004-013]~~
37 **49. Floodway Encroachment Analysis -** for the purposes of Art. 18, ~~an engineering analysis of~~
38 ~~the impact that a proposed encroachment into a Floodway is expected to have on the Floodway~~
39 ~~boundaries and Base Flood Elevations; the evaluation shall be prepared by a qualified Florida-~~
40 ~~licensed engineer using standard engineering methods and models.~~
41
42 **55. Florida Building Code -** for purposes of Art. 18, ~~the codes adopted by the Florida Building~~
43 ~~Commission, including, but not limited to: Accessibility Volume; Building Volume; Energy~~
44 ~~Conservation Volume; Residential Volume; Existing Building Volume; Mechanical Volume;~~
45 ~~Plumbing Volume; Fuel Gas Volume; and the National Electrical Code.~~
46
47 **67. Functionally-Dependent Use -** for the purposes of Art. 18, ~~a use which cannot perform its~~
48 ~~intended purpose unless it is located or carried out in close proximity to water, including only~~
49 ~~docking facilities and port facilities that are necessary for the loading and unloading of cargo or~~
50 ~~passengers, and ship building and ship repair facilities; the term does not include long-term~~
51 ~~storage or related manufacturing facilities.~~
52 **[Renumber Accordingly]**
53 H. Terms defined herein or referenced in this Article shall have the following meanings:
54
55 **15. Highest Adjacent Grade –**
56 ~~**Natural:** the highest natural elevation of the ground surface, prior to start of any past or~~
57 ~~proposed construction or Development, immediately next to the proposed exterior walls or~~
58 ~~foundation of a Building.~~
59 ~~**Finished:** the highest natural elevation of the ground surface, prior to construction, next to the~~
60 ~~proposed walls or foundation of a Structure.~~
61 ~~**16. Highest Adjacent Natural Grade (HANG) –** for the purposes of Art. 18, the highest natural~~
62 ~~elevation of the ground surface, prior to start of any past or proposed construction, immediately~~
63 ~~next to the proposed exterior walls of a Building.~~
64

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 19. **Historic Building or Structure** - for the purposes of Art, 18, any Building or Structure that is
2 determined eligible for the exception to the Special Flood Hazard Area requirements of the
3 Florida Building Code, Existing Building Volume, Chapter 11, Historic Buildings, being listed
4 individually in the National Register of Historic Places (a listing maintained by the Department
5 of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the
6 requirements for individual listing on the National Register or certified or preliminarily
7 determined by the Secretary of the Interior as contributing to the historical significance of a
8 registered historic or a district preliminarily determined by the Secretary to qualify as a
9 registered historic district or individually listed on a state inventory of historic places in states
10 with historic preservation programs which have been approved by the Secretary of the Interior;
11 or individually listed on the Historic Palm Beach County Preservation Board's inventory of
12 historic places. **[Ord. 2004-013]**

13 **[Renumber Accordingly]**

14 L. Terms defined herein or referenced in this Article shall have the following meanings:

15
16 **26. Letter of Map Change (LOMC)** - for the purposes of Art. 18, an official determination issued
17 by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance
18 Study. Letters of Map Change include:

19 1. **Letter of Map Revision (LOMR)** – for the purposes of Art. 18, a revision based on
20 technical data that may show changes to flood zones, flood elevations, Special Flood
21 Hazard Area boundaries and Floodway delineations, and other planimetric features.

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

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

31 4. **Conditional Letter of Map Revision (CLOMR)** – for the purposes of Art. 18, a formal
32 review and comment as to whether a proposed flood protection project or other project
33 complies with the minimum NFIP requirements for such projects with respect to delineation
34 of Special Flood Hazard Areas. A CLOMR does not revise the effective Flood Insurance
35 Rate Map or Flood Insurance Study; upon submission and approval of certified as-built
36 documentation, a Letter of Map Revision may be issued by FEMA to revise the effective
37 FIRM.

38
39 **38. Light-Duty Truck** - for the purposes of Art. 18, and as defined in 40 C.F.R. 86.082-2, any
40 motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a
41 vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45
42 square feet or less, which is:

43 1. Designed primarily for purposes of transportation of property or is a derivation of such a
44 vehicle, or

45 2. Designed primarily for transportation of persons and has a capacity of more than 12
46 persons; or

47 3. Available with special features enabling off-street or off-highway operation and use.

48
49 **73. Lowest Floor** - for the purposes of Art. 18, the Lowest Floor of the lowest enclosed area
50 (including Basement) of a Building. Any unfinished or flood resistant enclosure, used solely for
51 parking of vehicles, Building access, or storage, in an area other than a Basement, is not
52 considered a Building's Lowest Floor, provided that such enclosure is not built so as to render
53 the Structure in Violation of the non-elevation design standards of the Florida Building Code or
54 ASCE 24. **[Ord. 2004-013]**

55 **[Renumber accordingly]**

56 M. Terms defined herein or referenced in this Article shall have the following meanings:

57
58 **12. Manufactured Home** – for the purposes of Art. 18, a single-family dwelling constructed entirely
59 in a controlled factory environment built to HUD standards; defined in 24 CFR 3280.2 Subpart
60 A Definitions as amended or replaced, as a Structure transportable in one or more sections,
61 which in the traveling mode, is eight feet or more in width ~~or~~ and 40 feet or more in length, or
62 when erected on site, is 320 or more square feet, and which is built on a permanent chassis
63 and designed to be a dwelling with or without a permanent foundation when connected to the
64 required utilities which includes the plumbing, heating, air conditioning and electrical systems
65 contained therein. ~~For the purpose of this Article, "mobile~~ "Mobile home" is considered to be

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS

(Updated 5-30-17)

- 1 synonymous with Manufactured Home. The term includes, but is not limited to, Park Trailers,
2 travel trailers and commercial trailers placed on site for 180 consecutive days or longer and
3 intended to be ~~improved property improvements to real property~~. Those manufactured
4 Buildings for residential, commercial, institutional or other use, constructed under ~~DCA~~
5 ~~programs DBPR codes and standards~~ for compliance with Florida Building Code are excluded
6 from this definition. [Ord. 2004-013]
- 7 **13. Manufactured Home Park or Manufactured Home Subdivision –**
8 ~~a.~~ A parcel (or contiguous parcels) of land divided into two or more Manufactured Home lots
9 for rent or sale for which the construction of facilities for servicing the lot on which the
10 Manufactured Home is to be affixed (including, at a minimum, the installation of utilities,
11 either final site grading or the pouring of concrete pads, or the construction of streets) is
12 completed on or after the effective date of this Code. See also Manufactured Building.
13 ~~b. For the purposes of Art. 18, a parcel or contiguous parcel, of land divided into two or more~~
14 ~~manufactured home lots for rent or sale.~~
- 15
- 16 **19. Market value** - for the purposes of Art. 18, ~~the building value, excluding the land, as established~~
17 ~~by what the local real estate market will bear. Market value can be established by independent~~
18 ~~certified appraisal, replacement cost depreciated by age of Building (Actual Cash Value), or~~
19 ~~adjusted assessed values [Ord. 2004-013] the price at which a property will change hands~~
20 ~~between a willing buyer and a willing seller, neither party being under compulsion to buy or sell~~
21 ~~and both having reasonable knowledge of relevant facts. As used in Art. 18, the term refers to~~
22 ~~the Market Value of Buildings and Structures, excluding the land and other improvements on~~
23 ~~the parcel. Market Value may be established by a qualified independent appraiser, Actual~~
24 ~~Cash Value (replacement cost depreciated for age and quality of construction), or tax~~
25 ~~assessment value adjusted to approximate Market Value by a factor provided by the Property~~
26 ~~Appraiser or Floodplain Administrator.~~
- 27
- 28 **30. Mean Sea Level**
29 ~~a.~~ The average height of the sea for all stages of the tide based on the NGVD.
30 ~~b. For the purposes of Art. 18, the average height of the sea for all stages of the tide. It is~~
31 ~~used as a reference for establishing various elevations within the floodplain.~~
- 32
- 33 N. Terms defined herein or referenced in this Article shall have the following meanings:
34
- 35 **2. National Geodetic Vertical Datum (NGVD) –** for the purposes of Art.18, as corrected in the
36 year of 1929, is a vertical control used as a reference for establishing varying elevations within
37 the floodplain. This datum is referenced on ~~existing prior~~ FIRMs ~~of or by~~ FEMA. [Ord. 2004-
38 013]
- 39
- 40 ~~18. New Building –~~ for the purposes of Art. 18, ~~a Structure that encloses an area for any use, and~~
41 ~~shall not include Structures such as walls, playground equipment or gas tanks, for which the~~
42 ~~“Start of Construction” commenced on or after the effective date of this Article. The term also~~
43 ~~includes any subsequent improvements to such Buildings. [Ord. 2004-013]~~
- 44
- 45 **20.19. New Construction**
46
47 a. For the purposes of Art. 13, Structures for which the Start of Construction commenced
48 on or after the effective date of this Code.
49 b. For the purposes of Art. 18, ~~any Structure, including duct work and Heating, Ventilating,~~
50 ~~and Air Conditioning (HVAC) equipment, for which the “start of construction”~~
51 ~~commenced on or after the effective date of this Article. The term also includes any~~
52 ~~subsequent improvements to such Structures. [Ord. 2004-013] and the flood-resistant~~
53 ~~construction requirements of the Florida Building Code, Structures for which the “Start~~
54 ~~of Construction” commenced on or after January 31, 1979, and includes any~~
55 ~~subsequent improvements to such Structures.~~
- 56
- 57 **42. Non-Residential Construction –** for the purposes of Art. 18, ~~new construction or substantial~~
58 ~~improvement of Structures not defined as “Residential Construction” and including, but not~~
59 ~~limited to, small business concerns and commercial hotels/motels, as defined by FEMA,~~
60 ~~churches, schools, nursing homes, farm Buildings, government Buildings, mercantile~~
61 ~~Structures, industrial plants and warehouses. [Ord. 2004-013]~~
- 62
- 63 **45. North American Vertical Datum (NAVD) -** ~~For the purposes of Art. 11 and Art. 18, a proposed~~
64 ~~replacement datum of NGVD, identified by FEMA to be the reference of new FIRM from FEMA~~
65 ~~when current 1979 and 1982 flood maps are replaced. [Ord. 2004-013][Ord. 2010-022] for the~~

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 purposes of Art. 11 and Art. 18, the vertical control datum of orthometric height established for
2 vertical control surveying in the United States of America based upon the General Adjustment
3 of the North American Datum of 1988.

4 **[Renumber accordingly]**

- 5 O. Terms defined herein or referenced in this Article shall have the following meanings:

6

7 ~~3. **Obstruction** – for the purposes of Art. 18, includes, but is not limited to, any dam, wall, wharf,~~
8 ~~embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge,~~
9 ~~conduit, culvert, Building, wire, fence, rock, gravel, refuse, fill, Structure, vegetation or other~~
10 ~~material in, along, across or projecting into any watercourse which may alter, impede, retard or~~
11 ~~change the direction and/or velocity of the flow of water, or due to its location, its propensity to~~
12 ~~snare or collect debris carried by the flow of water, or is likely to be carried downstream. [Ord.~~
13 ~~2004-013]~~

14 **[Renumber accordingly]**

- 15 P. Terms defined herein or referenced in this Article shall have the following meanings:

16

17 17. **Park Trailer** - for the purposes of Art. 18, a transportable unit which has a body width not
18 exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal
19 or temporary living quarters when connected to utilities necessary for operation of installed
20 fixtures and appliances (see F.S. 320.01, as amended or replaced).

21 **[Renumber accordingly]**

- 22 R. Terms defined herein or referenced in this Article shall have the following meanings:

23

24 **12. Recreational Vehicle**

25 a. For the purposes of Art. 6, a truck, bus, trailer, pickup camper, pop-up camper, fifth wheel
26 or other vehicle with or without motor power which has been converted or equipped with
27 living or sleeping quarters and is designed and constructed to travel on public
28 thoroughfares without a special permit in accordance with the provisions of the Vehicle
29 Code of the State of Florida.

30 b. For the purposes of Art. 18, a vehicle which is: -type unit primarily designed as temporary
31 living quarters for recreational, camping, or travel use, which either has its own motive
32 power or is mounted on or drawn by another vehicle (see F.S. 320.01), as amended or
33 replaced. Such vehicles shall comply with the length and width provisions of F.S. 316.515,
34 as amended or replaced. [Ord. 2004-013]

35 1. Built on a single chassis;

36 2. 400 square feet or less when measured at the largest horizontal projection;

37 3. Designed to be self-propelled or permanently towable by a Light-Duty Truck; and

38 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters
39 for recreational, camping, travel or seasonal use (see F.S. 320.01, as amended or
40 replaced).

41 5. Not occupied for more than six months.

42

43 ~~27. **Repetitive Loss** – for the purposes of Art. 18, flood-related damages sustained by a property,~~
44 ~~which the National Flood Insurance Program has paid two or more flood claims of \$1,000.00~~
45 ~~or more in any given ten-year period since 1978. [Ord. 2004-013]~~

46

47 ~~32. **Residential Construction** – for the purposes of Art. 18, new construction or substantial~~
48 ~~improvement of Structures including, but not limited to, high-rise and low-rise condominium~~
49 ~~units, apartment Buildings, timeshares, townhouse/rowhouse Structures, residential~~
50 ~~hotels/motels and “other residential Structures” as defined by FEMA, manufactured and~~
51 ~~mobile/trailer homes, single family Structures and duplexes. [Ord. 2004-013]~~

- 52 S. Terms defined herein or referenced in this Article shall have the following meanings:

53

54 3. **Sand Dunes** - for the purposes of Art. 18, naturally-occurring accumulations of sand in ridges
55 or mounds landward of the beach.

56

57 70.71. **Special Flood Hazard Area (SFHA)** – for the purposes of Art. 18, (see Area of Special
58 Flood Hazard), is a geographic area identified by FEMA and the county as being low lying
59 areas or especially susceptible to flooding and shown on the latest edition of maps (FHB or
60 FIRM) as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE, or V; and any area developed as
61 Building sites, without a master stormwater drainage system, in unincorporated Palm Beach
62 County outside FEMA A or V zones. [Ord. 2004-013] the land area subject to flood hazards
63 and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30,
64 A99, AR, AO, AH, V, VO, VE or V1-30.

65

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS

(Updated 5-30-17)

1 **83.84. Start of Construction** - for the purposes of Art. 18, ~~(for other than new construction or~~
2 ~~substantial improvement under the Coastal Barrier Resources Act P.L. 97-348, as amended or~~
3 ~~replaced)~~, for all construction, includes Substantial Improvement, and means the date the
4 Building permit was issued, provided the actual Start of Construction, repair, reconstruction,
5 rehabilitation, addition, or improvement was within ~~180 days~~ six months of the permit date. The
6 actual start means the first placement of permanent construction of a Building, including a
7 Manufactured Home, on a site, such as the pouring of slabs or footings, installation of piles,
8 construction of columns, or any work beyond the stage of excavation or placement of a
9 Manufactured Home on a foundation. Permanent construction does not include land
10 preparation, such as clearing, grading and filling; nor does it include installation of streets
11 and/or walkways; nor does it include excavation for a Basement, footings, piers or foundations
12 or the erection of temporary forms; nor does it include installation or alteration on the property
13 of accessory Buildings, such as garages or sheds not occupied as dwelling units or not part of
14 the main Building. For Substantial Improvement, the actual Start of Construction means the
15 first installation of any foundation, wall, ceiling, floor, or other structural part of a Building,
16 whether or not that alteration affects the external dimensions of the Building. ~~on all residential,~~
17 ~~commercial, institutional, and other Buildings.~~ [Ord. 2004-013]

18
19 ~~....~~
122123. Structure

- 20 a. Unless specified otherwise, means that which is three feet or more in height which is built
21 or constructed or erected or tied down having a fixed location on the ground or attached to
22 something having a permanent location on the ground, such as Buildings, homes, mobile
23 homes, towers, walls, fences, billboards, shore protection devices and poster panels.
24 [Ord. 2004-013] [Ord. 2007-001]
- 25 b. For the purposes of Art. 16, any object, temporarily or permanently constructed or installed
26 by man, including but not limited to: Buildings, towers, smoke stacks, utility poles,
27 antennas, construction cranes and overhead transmission lines.
- 28 c. For the purposes of Art. 18, ~~that constructed by humans, including gas or liquid storage~~
29 ~~tanks that are principally above ground, walls and roofed Buildings.~~ [Ord. 2004-013] a
30 walled and roofed Building, including a gas or liquid storage tank, that is principally above
31 ground, as well as a Manufactured Home. The terms Structure and Building are
32 interchangeable in the National Flood Insurance Program.

33
34 ~~....~~
126127. Substantial Damage - for the purposes of Art. 18, damage of any origin sustained by a
35 Building or Structure whereby the cost of restoring the Building or Structure to it's before
36 damaged condition would equal or exceed 50 percent of the Market Value of the Building
37 or Structure before the damage occurred. This term also includes ~~Structures that have~~
38 ~~incurred "repetitive loss."~~ [Ord. 2004-013] flood-related damage sustained by a Building or
39 Structure on two separate occasions during a ten-year period for which the cost of repairs
40 at the time of each such flood event, on average, equals or exceeds 25 percent of the
41 Market Value of the Structure before the damage occurred.

42 **127128. Substantial Improvement** –

- 43 a. For the purposes of Art. 9, any combination of repairs, reconstruction or improvement of a
44 Structure, where the improvement creates additional enclosed space that contains
45 equipment or utilities relative to the primary Structure, the cost of which equals or exceeds
46 50 percent of the Market Value of the Structure either before the improvement or repair is
47 started, or if the Structure has been damaged and is being restored, before the damage of
48 any wall, ceiling, floor, or other structural part of the Building commences, whether or not
49 that alteration affects the external dimensions of the Structure. The term does not,
50 however, include either any Development for improvement of a Structure to comply with
51 existing State or local health, sanitary, or safety Code specifications that are solely
52 necessary to assure safe living conditions or any alteration of a Structure listed on the
53 National Register of Historic Places or a State Inventory of Historic Place.
- 54 b. For the purposes of Art. 18, any combination of repairs, reconstruction, rehabilitation,
55 addition or improvement of a Building or Structure taking place during a five-year period,
56 the cumulative cost of which equals or exceeds 50 percent of the Market Value of the
57 Structure before the improvement or repair is started. For each Building or Structure, the
58 five-year period begins on the date of the first permit is issued for improvement or repair of
59 that Building or Structure in the preceding five years. If the Structure has sustained
60 Substantial Damage, any repairs are considered Substantial Improvement regardless of
61 the actual repair work performed. The term does not, however, include any project for
62 improvement of a Building required to correct existing health, sanitary or safety code
63 Violations identified by the Building Official and that are the minimum necessary to assure
64 safe living conditions. For the purposes of residential and non-residential condominiums,
65 market value shall be determined to be a prorated share of the total market value of the

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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS SUMMARY OF AMENDMENTS (Updated 5-30-17)

~~building, alteration for the purposes, or other improvements to a Building taking place during a five-year period, in which the cumulative cost of such improvements equals or exceeds 50 percent of the market value of the Building before the start of construction of the repair or improvement. This term does not include any repair or improvement of a Structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for the permit for improvement, and which are the minimum necessary to assure safe living conditions. For the purposes of this definition, "Substantial Improvement" occurs when the first installation of any foundation, wall, ceiling, floor, or other structural part of the Building commences, whether or not that installation affects the external dimensions of the Structure. This term includes Structures that have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work performed. [Ord. 2004-013]~~

~~**129. Substantially Improved, Existing Manufactured Home Parks or Subdivisions** – For the purposes of Art. 18, the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced. [Ord. 2004-013]~~

[Renumber accordingly]

V. Terms defined herein or referenced in this Article shall have the following meanings:

....

6. Variance

- a. An abatement of certain regulations in the ULDC, where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship. [Ord. 2014-001]
- b. ~~For the purposes of Art. 18, after a public hearing before the Flood Damage Prevention Board, a grant of relief from the requirements of this Article, which permits construction in a manner otherwise prohibited by this Article where specific enforcement would result in exceptional hardship. [Ord. 2004-013]~~ For the purposes of Art. 18, a grant of relief from the requirements of Art. 18 or the flood-resistant construction requirements of the Florida Building Code, as granted by the Flood Damage Prevention Board, which permits construction in a manner that would not otherwise be permitted by Art. 18 or the Florida Building Code.

....

18. Violation – for the purposes of Art. 18, the failure of a Structure or other Development to be fully compliant with ~~this Article Art. 18~~. In addition, a Structure or other Development without a required FEMA elevation certificate, other acceptable elevation certifications, or other evidence of compliance required in ~~this Article Art. 18~~ is presumed to be in Violation until such time as that documentation is provided. [Ord. 2004-013]

....

W. Terms defined herein or referenced in this Article shall have the following meanings:

....

13. Water Surface Elevation – for the purposes of Art. 18, the height, in relation to ~~NGVD of 929, (or other datum, where specified)~~ the datum on the current Flood Insurance Rate Map of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. [Ord. 2004-013]

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EXHIBIT B

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS

(Updated 5-30-17)

1 Part 1. ULDC Art. 18, Flood Damage Prevention (pages 1 to 12 of 12), is hereby repealed and
2 replaced with the following text:
3

Reason for amendments: [Building] Article 18 is being amended for the following reasons:

The local adoption of a new Florida Model Flood Damage Prevention Ordinance has been dictated by the Federal Emergency Management Agency and the Florida Division of Emergency Management (FDEM) to maintain consistency with the recent integration of flood damage prevention provisions into the Florida Building Code, along with changes to the National Flood Insurance Program in recent years.

The local programmatic enhancements that have been retained during this process are:

- Language relating to the role of the Construction Board of Adjustments and Appeals (CBAA) as the Flood Damage Prevention Board.
- Language relating to the "authority" and "legal" aspects of the County's actions that were not found to exist in the new FDEM model.
- Language to create the requirement for additional elevation (freeboard) in each type of affected Special Flood Hazard Area.
- Language relating to the construction and elevation of critical facilities.
- Language relating to the cumulative (five-year) cost of improvements for structures in the floodplain.
- Language requiring all new buildings to be at least 18 inches above the lowest adjacent road crown (LARC) in all areas of the County which do not have finished floors from a "master-engineered" stormwater management analysis.
- Language relating to the processes and procedures for variances and appeals that did not exist in the FDEM model.
- Language relating to restrictions on earth fill intended to protect compensatory storage.
- Language in the County's existing ordinance restricting Park Model (mobile homes), RV's and modular buildings which are sited for more than six months.

4 **CHAPTER A ADMINISTRATION, PERMITTING AND ENFORCEMENT**

5 **SECTION 1 GENERAL**

6 **A. Title**

7 These regulations shall be known as the Flood Damage Prevention Ordinance of PBC, Florida.

8 **B. Authority**

9 Chapter 125, Florida Statutes, authorizes the legislative and governing body of PBC, Florida, the
10 power to establish and administer programs of flood control; and the BCC of PBC, Florida, has the
11 responsibility to adopt regulations designed to promote the public health, safety and general welfare
12 of its citizens.

13 **C. Scope**

14 The provisions of this Article shall apply, within the limits of PBC's jurisdictional authority, to all
15 Development that is wholly within or partially within any Special Flood Hazard Area, as defined in
16 Art. 1, including but not limited to: the subdivision of land; filling, grading, and other site
17 improvements and utility installations; alteration, remodeling, enlargement, improvement,
18 replacement, repair, relocation or demolition of Buildings, Structures and facilities that are exempt
19 from the Florida Building Code, as listed in Art. 18.A.4.C; placement, installation or replacement of
20 Manufactured Homes and Manufactured Buildings; installation or replacement of tanks; placement
21 of Recreational Vehicle parking pads; installation of swimming pools; and any other Development.

22 **D. Intent**

23 The purposes of this Article and the flood load and flood resistant construction requirements of the
24 Florida Building Code are to establish minimum requirements to safeguard the public health, safety
25 and general welfare and to minimize public and private losses due to flooding through regulation of
26 Development in Special Flood Hazard Areas to:

- 27 1. Minimize unnecessary disruption of commerce, access and public service during times of
28 flooding;
- 29 2. Require the use of appropriate construction practices in order to prevent or minimize future
30 flood damage;
- 31 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of
32 equipment or materials, and other Development which may increase flood damage or erosion
33 potential;
- 34 4. Manage the alteration of Special Flood Hazard Areas, watercourses, and shorelines to
35 minimize the adverse impact of Development on the natural and beneficial functions of the
36 floodplain;
- 37 5. Minimize damage to public and private facilities and utilities;
- 38 6. Help maintain a stable tax base by providing for the sound use and Development of Special
39 Flood Hazard Areas;

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EXHIBIT B

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 7. Minimize the need for future expenditure of public funds for flood control projects and response
2 to and recovery from flood events; and

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

5 **E. Coordination with the Florida Building Code**

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

9 **F. Warning**

10 The degree of flood protection required by this Article and the Florida Building Code, as amended
11 by PBC, is considered the minimum reasonable for regulatory purposes and is based on scientific
12 and engineering considerations. Larger floods can and will occur. Flood heights may be
13 increased by man made or natural causes. This Article does not imply that land outside of mapped
14 Special Flood Hazard Areas, or that uses permitted within such Special Flood Hazard Areas, will
15 be free from flooding or flood damage. The Special Flood Hazard Areas and Base Flood Elevations
16 contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the
17 requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, may be revised by the
18 Federal Emergency Management Agency, requiring PBC to revise these regulations to remain
19 eligible for participation in the National Flood Insurance Program. No guarantee of vested use,
20 existing use, or future use is implied or expressed by compliance with this Article.

21 **G. Disclaimer of Liability**

22 This Article shall not create liability on the part of the PBC BCC or by any officer or employee hereof
23 for any flood damage that results from reliance on this Article or any administrative decision lawfully
24 made thereunder.

25 **Section 2 Applicability**

26 **A. General**

27 Where there is a conflict between a general requirement and a specific requirement, the specific
28 requirement shall govern.

29 **B. Areas to which this Article Applies**

30 This Article shall apply to all Flood Hazard Areas and Special Flood Hazard Areas in unincorporated
31 PBC, as defined in Art. 1 and established in Art.18.A.2.C below.

32 **C. Special Flood Hazard Areas**

33 The United States Department of Housing and Urban Development, Flood Insurance Study for
34 PBC, Florida, Unincorporated Areas dated October 5, 2017 and all subsequent amendments and
35 revisions to such studies, and the accompanying Flood Insurance Rates Maps and all subsequent
36 amendments and revisions to such maps, shall serve as the minimum basis for establishing Flood
37 Hazard Areas and Special Flood Hazard Areas, including those areas developed into lots or
38 Building sites without minimum floor elevations engineered from a master stormwater drainage
39 network. Studies and maps that establish Flood Hazard Areas are on file at the PBC Department
40 of Planning, Zoning and Building located at 2300 North Jog Road, West Palm Beach, Florida
41 33411.

42 **D. Submission of Additional Data to Establish Special Flood Hazard Areas**

43 The Floodplain Administrator may require the submission of additional data to establish Special
44 Flood Hazard Areas and Base Flood Elevations, pursuant to Art. 18.A.5. Where field-surveyed
45 topography prepared by a Florida-licensed professional surveyor or digital topography accepted by
46 PBC indicates that ground elevations are either:

47 1. at or below the closest applicable Base Flood Elevation, even in areas not delineated as a
48 Special Flood Hazard Area on a FIRM, the area shall be considered as Special Flood Hazard
49 Area and subject to the requirements of this Article and, as applicable, the requirements of the
50 Florida Building Code; or

51 2. above the closest applicable Base Flood Elevation, the area shall be regulated as Special Flood
52 Hazard Area unless the applicant obtains a Letter of Map Change that removes the area from
53 the Special Flood Hazard Area.

54 **E. Other Laws**

55 The provisions of this Article shall not be deemed to nullify any provisions of local, state or federal
56 law.

57 **F. Abrogation and Greater Restrictions**

58 This Article supersedes any ordinance in effect for management of Development in Special Flood
59 Hazard Areas. However, it is not intended to repeal or abrogate any existing ordinances including
60 but not limited to land development regulations, zoning ordinances, stormwater management
61 regulations, or the Florida Building Code. In the event of a conflict between this Article and any
62 other regulations, the more restrictive shall govern. This Article shall not impair any deed restriction,

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1 covenant or easement, but any land that is subject to such interests shall also be governed by this
2 Article.

3 **G. Interpretation**

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

- 5 1. considered as minimum requirements;
- 6 2. liberally construed in favor of the governing body; and
- 7 3. deemed neither to limit nor repeal any other powers granted under state statutes.

8 **Section 3 Duties and Powers of the Floodplain Administrator and the Flood Damage** 9 **Prevention Board**

10 **A. Designation**

- 11 1. The Building Official is designated as the Floodplain Administrator. The Floodplain
12 Administrator may delegate performance of certain duties to other employees.
- 13 2. The BCC of PBC hereby designates the 11 members of the Construction Board of Adjustment
14 and Appeals to act as the Flood Damage Prevention Board. The Flood Damage Prevention
15 Board shall hear and decide Appeals when it is alleged an error in any requirement, decision,
16 or determination is made by the Floodplain Administrator in the enforcement or administration
17 of this Article and shall decide any Variance request following procedures in Art.18.A.7.

18 **B. General**

19 The Floodplain Administrator is authorized and directed to administer and enforce the provisions
20 of this Article. The Floodplain Administrator shall have the authority to render interpretations of this
21 Article consistent with the intent and purpose of this Article, and may establish policies and
22 procedures in order to clarify the application of its provisions. Such interpretations, policies, and
23 procedures shall not have the effect of waiving requirements specifically provided in this Article
24 without the granting of a Variance by the Flood Damage Prevention Board, pursuant to Art. 18.A.7.

25 **C. Applications and Permits**

26 The Floodplain Administrator, in coordination with other pertinent offices of PBC, shall:

- 27 1. Review applications and plans to determine whether proposed new Development will be
28 located in Special Flood Hazard Areas;
- 29 2. Review applications for modification of any existing Development in Special Flood Hazard
30 Areas for compliance with the requirements of this Article;
- 31 3. Interpret Special Flood Hazard Area boundaries where such interpretation is necessary to
32 determine the exact location of boundaries; a person contesting the determination shall have
33 the opportunity to Appeal the interpretation;
- 34 4. Provide available flood elevation and flood hazard information;
- 35 5. Determine whether additional flood hazard data shall be obtained from other sources or shall
36 be developed by an applicant;
- 37 6. Review applications to determine whether proposed Development will be reasonably safe from
38 flooding;
- 39 7. Issue floodplain Development permits or approvals for Development other than Buildings and
40 Structures that are subject to the Florida Building Code, including Buildings, Structures and
41 facilities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, when compliance
42 with this Article is demonstrated, or disapprove the same in the event of noncompliance; and
- 43 8. Coordinate with and provide comments to assure that applications, plan reviews, and
44 inspections for Buildings and Structures in Special Flood Hazard Areas comply with the
45 applicable provisions of this Article.

46 **D. Substantial Improvement and Substantial Damage Determinations**

47 For applications for building permits to improve Buildings and Structures, including alterations,
48 relocation, enlargement, replacement, repair, change of occupancy, additions, rehabilitations,
49 renovations, Substantial Improvements, repairs of Substantial Damage, and any other
50 improvement of or work on such Buildings and Structures, the Floodplain Administrator, acting as
51 the Building Official, shall:

- 52 1. Estimate the Market Value, or require the applicant to obtain an appraisal of the Market Value
53 prepared by a qualified independent appraiser, of the Building or Structure before the Start of
54 Construction of the proposed work; in the case of repair, the Market Value of the Building or
55 Structure shall be the Market Value before the damage occurred and before any repairs are
56 made;
- 57 2. Compare the cost to perform the improvement, the cost to repair a damaged Building to its pre-
58 damaged condition, or the combined costs of improvements and repairs, if applicable, to the
59 Market Value of the Building or Structure;
- 60 3. Determine and document whether the proposed work constitutes Substantial Improvement or
61 repair of Substantial Damage; the determination requires evaluation of previous permits issued
62 for improvements and repairs, as specified in the definition of "Substantial Improvement"; for
63 proposed work to repair damage caused by flooding, the determination requires evaluation of

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1 previous permits issued to repair flood-related damage, as specified in the definition of
2 “Substantial Damage”; and

3 4. Notify the applicant if it is determined that the work constitutes Substantial Improvement or
4 repair of Substantial Damage and that compliance with the flood resistant construction
5 requirements of the Florida Building Code and this Article is required.

6 **E. Modifications of the Strict Application of the Requirements of the Florida Building Code**

7 The Floodplain Administrator shall review requests submitted to the Building Official that seek
8 approval to modify the strict application of the flood load and flood resistant construction
9 requirements of the Florida Building Code to determine whether such requests require the granting
10 of a Variance pursuant to Art. 18.A.7.

11 **F. Notices and Orders**

12 The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of
13 all necessary notices or orders to ensure compliance with this Article.

14 **G. Inspections**

15 The Floodplain Administrator or designee shall make the required inspections, as specified in Art.
16 18.A.6, for Development that is exempt from the Florida Building Code, as listed in Art. 18.A.4.C.
17 The Floodplain Administrator or designee shall inspect Special Flood Hazard Areas to determine if
18 Development is undertaken without issuance of a permit.

19 **H. Other Duties of the Floodplain Administrator**

20 The Floodplain Administrator shall have other duties, including but not limited to:

21 1. Establish procedures for administering and documenting determinations of Substantial
22 Improvement and Substantial Damage made pursuant to Art. 18.A.3.D;

23 2. Require that applicants proposing Alteration of a Watercourse notify adjacent communities and
24 the Florida Division of Emergency Management, State Floodplain Management Office, and
25 submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

26 3. Require applicants who submit hydrologic and hydraulic engineering analyses in support of
27 permit applications to submit to FEMA the data and information necessary to maintain the Flood
28 Insurance Rate Maps if the analyses propose to change Base Flood Elevations, Special Flood
29 Hazard Area boundaries, or Floodway designations; such submissions shall be made within
30 six months of such data becoming available;

31 4. Review required design certifications and documentation of elevations specified by this Article
32 and the Florida Building Code to determine that such certifications and documentations are
33 complete;

34 5. Notify FEMA when the boundaries of unincorporated PBC are modified; and

35 6. Advise applicants for New Buildings and Structures, including Substantial Improvements, that
36 are located in any unit of the Coastal Barrier Resources System established by the Coastal
37 Barrier Resources Act (Public Law 97-348) and the Coastal Barrier Improvement Act of 1990
38 (Public Law 101-591) that federal flood insurance is not available on such construction; areas
39 subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier
40 Resource System Areas” and “Otherwise Protected Areas.”

41 **I. Floodplain Management Records**

42 Regardless of any limitation on the period required for retention of public records, the Floodplain
43 Administrator shall maintain and permanently keep and make available for public inspection all
44 records that are necessary for the administration of this Article and the flood resistant construction
45 requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map
46 Change; records of issuance of permits and denial of permits; determinations of whether proposed
47 work constitutes Substantial Improvement or repair of Substantial Damage; required design
48 certifications and documentation of elevations specified by the Florida Building Code and this
49 Article; notifications to adjacent communities, FEMA, and the state related to alterations of
50 watercourses; assurances that the flood-carrying capacity of altered watercourses will be
51 maintained; documentation related to Appeals and Variances, including justification for issuance or
52 denial; and records of enforcement actions taken pursuant to this Article and the flood resistant
53 construction requirements of the Florida Building Code. These records are available for public
54 inspection at the PBC Department of Planning, Zoning and Building at 2300 North Jog Road, West
55 Palm Beach, FL 33411.

56 **Section 4 Permits**

57 **A. Permits Required**

58 Any owner or owner’s authorized agent (hereinafter “applicant”) who intends to undertake any
59 Development activity within the scope of this Article, including Buildings, Structures and facilities
60 exempt from the Florida Building Code, as listed in Art. 18.A.4.C, which is wholly within or partially
61 within any Special Flood Hazard Area shall first make application to the Floodplain Administrator
62 and the Building Official, if applicable, and shall obtain the required permit(s) and approval(s). No

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1 such permit or approval shall be issued until compliance with the requirements of this Article has
2 been satisfied.

3 **B. Floodplain Development Permits or Approvals**

4 Floodplain Development Permits or Approvals shall be issued pursuant to this Article for any
5 Development activities exempt from the Florida Building Code, as listed in Art. 18.A.4.C.
6 Depending on the nature and extent of proposed Development that includes a Building or Structure,
7 the Floodplain Administrator may determine that a Floodplain Development Permit or Approval is
8 required in addition to a building permit.

9 **C. Buildings, Structures and Facilities Exempt from the Florida Building Code**

10 Pursuant to the requirements of federal regulation for participation in the National Flood Insurance
11 Program (44 CFR, Sections 59 and 60), Floodplain Development Permits or Approvals shall be
12 required for the following Buildings, Structures and facilities that are exempt from the Florida
13 Building Code and any further exemptions provided by law, which are subject to the requirements
14 of this Article:

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

33 **D. Application for a Permit or Approval**

34 To obtain a Floodplain Development Permit or Approval outside of the building permit process, the
35 applicant shall first file an application in writing on a form furnished by PBC. The information
36 provided shall:

- 37 1. Identify and describe the Development to be covered by the permit or approval.
- 38 2. Describe the land on which the proposed Development is to be conducted by legal description,
39 street address or similar description that will readily identify and definitively locate the site.
- 40 3. Indicate the use and occupancy for which the proposed Development is intended.
- 41 4. Be accompanied by a site plan or construction documents, as specified in Art.18.A.5.
- 42 5. State the valuation of the proposed work.
- 43 6. Be signed by the applicant or the applicant's authorized agent.
- 44 7. Give such other data and information as required by the Floodplain Administrator.

45 **E. Validity of Permit or Approval**

46 The issuance of a Floodplain Development Permit or Approval pursuant to this Article shall not be
47 construed to be a permit for, or approval of, any Violation of this Article, the Florida Building Code,
48 or any other ordinance of PBC. The issuance of permits based on submitted applications,
49 construction documents, and information shall not prevent the Floodplain Administrator from
50 requiring the correction of errors and omissions.

51 **F. Suspension or Revocation**

52 The Floodplain Administrator is authorized to suspend or revoke a Floodplain Development Permit
53 or Approval if the permit was issued in error, on the basis of incorrect or incomplete information, or
54 in Violation of this Article or any other ordinance, regulation or requirement of PBC.

55 **G. Expiration**

56 A Floodplain Development Permit or Approval shall become invalid unless the work authorized by
57 such permit is commenced within six months after its issuance or the issuance of a building permit,
58 whichever comes last, or if the work authorized is suspended or abandoned for a period of six
59 months after the work commences. Extensions for periods of not more than six months each shall
60 be requested in writing prior to expiration and justifiable cause shall be demonstrated. In no case
61 shall the permit remain valid when FIRMs are updated, unless Development is under construction.

62 **H. Other Permits Required**

63 Floodplain Development Permits shall include a statement that all other applicable state or federal
64 permits shall be obtained before commencement of the permitted Development, including, but not
65 limited to, the following:

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1. The South Florida Water Management District; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S., and Chapter 64E-6, FAC.
3. PBC Department of Environmental Resources Management, as applies.
4. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the Coastal Construction Control Line; section 161.141, F.S.
5. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
6. 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.
7. Federal permits and approvals.

Section 5 **Site plans and construction documents**

A. Information for Development in Special Flood Hazard Areas

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

1. Delineation of Special 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. Where Base Flood Elevations or Floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Art. 18.A.5.B.2 or 3 below.
3. Where the parcel on which the proposed Development will take place will have more than 50 lots or is larger than five acres, and the Base Flood Elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Art. 18.A.5.B.1.
4. 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.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. 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.
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the Coastal Construction Control Line, if applicable.
8. Extent of any proposed alteration of Sand Dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed Alteration of a Watercourse.
10. Subdivisions of more than three lots or greater than ten acres shall provide an electronic subdivision topographic plan.

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

B. Information in Special Flood Hazard Areas without Base Flood Elevations (approximate Zone A)

Where Special Flood Hazard Areas are delineated on the FIRM and Base Flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include Base Flood Elevation data prepared in accordance with currently-accepted engineering practices.
2. Obtain, review, and provide to applicants Base Flood Elevation and Floodway data available from a federal or state agency or other source, or require the applicant to obtain and use Base Flood Elevation and Floodway data available from a federal or state agency or other source.
3. Where Base Flood Elevation and Floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include Base Flood Elevation data prepared in accordance with currently-accepted engineering practices; or
 - b. Specify that the Base Flood Elevation is two feet above the highest adjacent grade (finished) at the location of the Development, provided there is no evidence indicating flood depths have been or may be greater than two feet.

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1 4. Where the Base Flood Elevation data are to be used to support a Letter of Map Change from
2 FEMA, advise the applicant that the analyses shall be prepared by a Florida-licensed engineer
3 in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy
4 the submittal requirements and pay the processing fees.

5 **C. Additional Analyses and Certifications**

6 As applicable to the location and nature of the proposed Development activity, and in addition to
7 the requirements of this section, the applicant shall have the following analyses signed and sealed
8 by a Florida-licensed engineer for submission with the site plan and construction documents:

9 1. For Development activities proposed to be located in a regulatory Floodway, a Floodway
10 Encroachment Analysis that demonstrates that the encroachment of the proposed
11 Development will not cause any increase in Base Flood Elevations; where the applicant
12 proposes to undertake Development activities that do increase Base Flood Elevations, the
13 applicant shall submit such analysis to FEMA, as specified in Art. 18.A.5.D, and shall submit
14 the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction
15 documents.

16 2. For Development activities proposed to be located in a riverine Special Flood Hazard Area for
17 which Base Flood Elevations are included in the Flood Insurance Study or on the FIRM and
18 Floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that
19 the cumulative effect of the proposed Development, when combined with all other existing and
20 anticipated Flood Hazard Area encroachments, will not increase the Base Flood Elevation
21 more than one foot at any point within the community. This requirement does not apply in
22 isolated Special Flood Hazard Areas not connected to a riverine Special Flood Hazard Area or
23 in Special Flood Hazard Areas identified as Zone AO or Zone AH.

24 3. For Alteration of a Watercourse, an engineering analysis prepared in accordance with standard
25 engineering practices which demonstrates that the flood-carrying capacity of the altered or
26 relocated portion of the watercourse will not be decreased, and certification that the altered
27 watercourse shall be maintained in a manner which preserves the channel's flood-carrying
28 capacity; the applicant shall submit the analysis to FEMA as specified in Art. 18.A.5.D.

29 4. For activities that propose to alter Sand Dunes or mangrove stands in Coastal High Hazard
30 Areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not
31 increase the potential for flood damage.

32 **D. Submission of Additional Data**

33 When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses
34 are submitted to support an application, the applicant has the right to seek a Letter of Map Change
35 from FEMA to change the Base Flood Elevations, change Floodway boundaries, or change
36 boundaries of Special Flood Hazard Areas shown on FIRMs, and to submit such data to FEMA for
37 such purposes. The analyses shall be prepared by a Florida-licensed engineer in a format required
38 by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

39 **Section 6 Inspections**

40 **A. General**

41 Development for which a Floodplain Development Permit or Approval is required shall be subject
42 to inspection.

43 **B. Development other than Buildings and Structures**

44 The Floodplain Administrator shall inspect all Development to determine compliance with the
45 requirements of this Article and the conditions of issued Floodplain Development Permits or
46 approvals.

47 **C. Buildings, Structures and Facilities Exempt from the Florida Building Code**

48 The Floodplain Administrator shall inspect Buildings, Structures and facilities exempt from the
49 Florida Building Code, as listed in Art. 18.A.4.C, to determine compliance with the requirements of
50 this Article and the conditions of issued Floodplain Development Permits or approvals.

51 **D. Lowest-floor inspection for Buildings, Structures and Facilities exempt from the Florida** 52 **Building Code**

53 Upon placement of the Lowest Floor, including Basement, and prior to further vertical construction,
54 the owner of a Building, Structure or facility exempt from the Florida Building Code, as listed in Art.
55 18.A.4.C, or the owner's authorized agent, shall submit to the Floodplain Administrator:

56 1. If a Design Flood Elevation was used to determine the required elevation of the Lowest Floor,
57 the certification of elevation of the Lowest Floor prepared and sealed by a Florida-licensed
58 professional surveyor; or

59 2. If the elevation used to determine the required elevation of the Lowest Floor was determined
60 in accordance with Art. 18.A.5.B.3.b, the documentation of height of the Lowest Floor above
61 highest adjacent grade, prepared by the owner or the owner's authorized agent.

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1 **E. Final inspection for Buildings, Structures and Facilities Exempt from the Florida Building**
2 **Code**

3 As part of the final inspection for Buildings, Structures and facilities exempt from the Florida Building
4 Code, as listed in Art. 18.A.4.C, the owner or owner's authorized agent shall submit to the
5 Floodplain Administrator a final certification of elevation of the Lowest Floor and/or final
6 documentation of the height of the Lowest Floor above the highest adjacent grade; such
7 certifications and documentations shall be prepared as specified in Art. 18.A.6.D.

8 **F. Manufactured Homes**

9 The Floodplain Administrator shall inspect Manufactured Homes that are installed or replaced in
10 Special Flood Hazard Areas to determine compliance with the requirements of this Article and the
11 conditions of the issued permit. Upon placement of a Manufactured Home, certification of the
12 elevation of the Lowest Floor shall be submitted to the Floodplain Administrator.

13 **Section 7 Appeals and Variances**

14 **A. General**

15 The Flood Damage Prevention Board shall hear and decide on all requests for Appeals or
16 Variances from the strict application of this Article.

17 **B. Appeal procedures**

18 1. A request for Appeal to the decision of the Floodplain Administrator enforcing the provisions of
19 this Article shall include reference to this Art. 18.A.7, and the applicant's technical basis of
20 contesting the decision of the Floodplain Administrator. The Appeal shall be filed in writing
21 within 30 calendar days after the decision is rendered by the Floodplain Administrator. Failure
22 to timely file an Appeal shall be deemed a waiver of the applicant's ability to seek relief for said
23 decision. An Appeal may be filed whenever any one of the following conditions are claimed to
24 exist:

25 a. The Floodplain Administrator rejected or refused to approve the applicant's request;

26 b. The provisions of this Article do not apply to the applicant's specific case;

27 c. That an equally-good or more-desirable method can be employed and fully meet the intent
28 of this Article, which the Floodplain Administrator has rejected;

29 d. The true intent and meaning of this Article or any of the regulations there under have been
30 misconstrued or incorrectly interpreted.

31 2. The Flood Damage Prevention Board shall hear Appeal requests at the next available meeting
32 within 60 days of date of Appeal. This 60-day period may be extended upon mutual consent
33 of the Floodplain Administrator and the applicant.

34 3. At the conclusion of the hearing, the Flood Damage Prevention Board shall orally render a
35 decision based on testimony and evidence entered into the record. An order setting forth
36 findings of fact and conclusion of law shall then be delivered to the appellant.

37 4. The applicant or PBC may Appeal a decision of the Flood Damage Prevention Board to the
38 Circuit Court of PBC, Florida, by petition for writ of certiorari; any Appeal filed pursuant to this
39 Article shall be considered timely if filed within 30 days of the execution of the order to be
40 Appealed.

41 **C. Variance procedures**

42 1. An initial request for a Variance from the provisions of this Article shall be filed in writing by the
43 affected party with the Floodplain Administrator.

44 2. The Flood Damage Prevention Board shall hear Variance requests at the next available
45 meeting. In acting upon Variance applications, the Flood Damage Prevention Board shall
46 consider all technical evaluations, all relevant factors, and standards specified in other sections
47 of this Article; and

48 a. The danger that materials may be swept onto other lands to the injury of others;

49 b. The danger to life and property due to flooding or erosion damage;

50 c. The susceptibility of the proposed facility and its contents to flood damage and the effect
51 of such damage on the individual owner;

52 d. The importance of the services provided by the proposed facility to the community;

53 e. The necessity to the facility of a waterfront location;

54 f. The availability of alternative locations for the proposed use which are not subject to
55 flooding or erosion damage;

56 g. The compatibility of the proposed use with existing and anticipated Development;

57 h. The relationship of the proposed use to the comprehensive plan and flood damage
58 prevention program for that area;

59 i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

60 j. The expected heights, velocity, duration, rate of rise, and sediment of transport of the
61 floodwaters and the effects of wave action, if applicable, expected at the site;

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1 k. The costs of providing governmental services during and after flood conditions, including
2 maintenance and repair of public utilities and facilities such as sewer, gas, electric, and
3 water systems, and streets and bridges; and

4 l. The negative effect a Variance may have on the county rating under the FEMA Community
5 Rating System.

6 3. The applicant or PBC may Appeal a decision of the Flood Damage Prevention Board to the
7 Circuit Court of PBC, Florida, by a petition for writ of certiorari; any Appeal filed pursuant to this
8 Article shall be considered timely if filed within 30 days of the execution of the order to be
9 Appealed.

10 **D. Restrictions in Floodways**

11 A Variance shall not be issued for any proposed Development in a Floodway if any increase in
12 Base Flood Elevations would result, as evidenced by the applicable analyses and certifications
13 required in Art. 18.A.5.C.

14 **E. Historic Buildings**

15 A Variance is authorized to be issued for the repair, improvement, or rehabilitation of a Historic
16 Building that is determined eligible for the exception to the flood resistant construction requirements
17 of the Florida Building Code, Existing Building Volume, Chapter 11, Historic Buildings, upon a
18 determination that the proposed repair, improvement or rehabilitation will not preclude the
19 Building's continued designation as a Historic Building and the Variance is the minimum necessary
20 to preserve the historic character and design of the Building. If the proposed work precludes the
21 Building's continued designation as a Historic Building, a Variance shall not be granted upon this
22 basis and the Building and any repair, improvement and rehabilitation shall be subject to the
23 requirements of the Florida Building Code.

24 **F. Functionally-Dependent Uses**

25 A Variance is authorized to be issued for the construction or Substantial Improvement necessary
26 for the conduct of a Functionally-Dependent Use, as defined in Art. 1, provided the Variance is the
27 minimum necessary considering the flood hazard, and all due consideration has been given to use
28 of methods and materials that minimize flood damage during occurrence of the Base Flood.

29 **G. Conditions for issuance of Variances**

30 Variances shall be issued only upon:

31 1. Submission by the applicant of a showing of good and sufficient cause that the unique
32 characteristics of the size, configuration or topography of the site limit compliance with any
33 provision of this Article or the required elevation standards.

34 2. Determination by the Flood Damage Prevention Board that:

35 a. Failure to grant the Variance would result in exceptional hardship due to the physical
36 characteristics of the land that render the lot undevelopable; increased costs to satisfy the
37 requirements or inconvenience do not constitute hardship;

38 b. The granting of a Variance will not result in increased flood heights, additional threats to
39 public safety, extraordinary public expense, nor create nuisances, cause fraud on or
40 victimization of the public or conflict with existing local laws and ordinances; and

41 c. The Variance is the minimum necessary, considering the flood hazard, to afford relief.

42 **H. Limitations on Authority to Grant Variances**

43 The Flood Damage Prevention Board shall base its decisions on Variances on technical
44 justifications submitted by applicants, the considerations for issuance in Art. 18.A.7.C.2, the
45 conditions of issuance set forth in Art. 18.A.7.G, and the comments and recommendations of the
46 Floodplain Administrator. The Flood Damage Prevention Board has the right to attach such
47 conditions as it deems necessary to further the purposes and objectives of this Article.

48 **I. Variance Notification**

49 Any applicant to whom a Variance is granted shall be given a written order, bearing the signature
50 of the Chairperson of the Flood Damage Prevention Board, indicating the difference between the
51 Base Flood Elevation and the proposed elevation of the Lowest Floor, stating the issuance of a
52 Variance to construct a Structure or Substantial Improvement below the required elevation, or
53 otherwise not comply with the requirements of this Article, may result in substantial increase in the
54 cost of federal flood insurance (up to amounts as high as \$25 for \$100 of insurance coverage) and
55 such noncompliance construction increases risks to life and property. A copy of the notice shall be
56 recorded by the Floodplain Administrator in the Office of the PBC Clerk and shall be recorded in a
57 manner so that it appears in the chain of title of the affected parcel of land in the Official Records
58 of PBC. The Floodplain Administrator will maintain a record of all Variance actions, including
59 justification for their issuance, and report such Variances issued in its biennial report submitted to
60 FEMA.

61
62
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EXHIBIT B

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

Section 8 Violations

A. Violations

Any Development that is not within the scope of the Florida Building Code, but that is regulated by this Article, as listed in Art. 18.A.4.C, that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this Article, shall be deemed a Violation of this Article. A Building or Structure without the documentation of elevation of the Lowest Floor, other required design certifications, or other evidence of compliance required by this Article or the Florida Building Code is presumed to be a Violation until such time as that documentation is provided.

B. Authority

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 for Development that is not within the scope of the Florida Building Code, but that is regulated by this Article, as listed in Art. 18.A.4.C, and that is determined to be a Violation.

C. 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.

D. Penalties for Violation

Violation of this Article or failure to comply with any of its requirements, including Violation of conditions and safeguards established in connection with grants of Variances shall be enforceable pursuant to the Code Enforcement Procedures established in Chapter 162, Parts I and II, F.S., as amended or replaced, and Article 10, Code Enforcement. Each day such Violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator or PBC from taking such other lawful actions as are necessary to prevent or remedy any Violation, including enforcement pursuant to section 125.69, F.S., as amended or replaced. Any person who receives a conviction pursuant to section 125.69, F.S., as amended or replaced, for violating or failing to comply with any of the requirements herein shall, upon conviction hereof, be fined not more than \$500 or imprisoned for not more than 60 days.

CHAPTER B BUILDINGS AND STRUCTURES

Section 1 Design and Construction of Buildings, Structures and Facilities Exempt from the Florida Building Code.

Pursuant to Art. 18.A.4.C, 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 Art. 18.H.

Section 2 Buildings and Structures Seaward of the Coastal Construction Control Line.

If extending, in whole or in part, seaward of the Coastal Construction Control Line and also located, in whole or in part, in a Special Flood Hazard Area:

A. Buildings and Structures shall be designed and constructed to comply with the more-restrictive applicable requirements of the Florida Building Code, Building Volume, Section 3109 and Section 1612 or Florida Building Code, Residential Volume, Section R322.

B. Minor Structures and non-habitable major Structures, as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this Article and ASCE 24.

Section 3 Specific Methods of Construction and Requirements.

In addition to the requirements of this Article and the Florida Building Code, the following specific methods of construction apply:

A. Application of Flood Resistant Requirements

The following "higher standards" shall apply to all properties located within unincorporated PBC, as described in this section.

B. Additional Elevation of Buildings (Freeboard)

1. For New Construction and Substantial Improvements, including electrical systems, equipment and components, heating, ventilating, air conditioning, plumbing appliances and plumbing fixtures, duct systems, and other service equipment, in Zones AE, AH and VE, the minimum elevation requirement (for the Lowest Floor or lowest horizontal member, as applicable) shall

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EXHIBIT B

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 be at least one foot above the Base Flood Elevation. In areas without a master stormwater
2 drainage system, the minimum elevation requirement shall be the higher of one foot above the
3 Base Flood Elevation or 18 inches above the Lowest Adjacent Road Crown (LARC). Flood-
4 proofing, to a minimum of one foot above the Base Flood Elevation, subject to the limitations
5 of applicable provisions of the Florida Building Code, as may be amended, may be used in
6 flood zones other than Coastal High Hazard Areas.

7 2. For New Construction and Substantial Improvements, including electrical systems, equipment
8 and components, heating, ventilating, air conditioning, plumbing appliances and plumbing
9 fixtures, duct systems, and other service equipment, in approximate Zone A, the minimum
10 elevation requirement (for the Lowest Floor or lowest horizontal member, as applicable) shall
11 be one foot above the Base Flood Elevation, as determined pursuant to Art. 18.A.5.B. In areas
12 without a master stormwater drainage system, the minimum elevation requirement shall be the
13 higher of one foot above the Base Flood Elevation or 18 inches above the LARC. Flood-
14 proofing may be used, subject to the limitations of the applicable provisions of the FBC, as may
15 be amended.

16 3. For New Construction and Substantial Improvements, including electrical systems, equipment
17 and components, heating, ventilating, air conditioning; plumbing appliances and plumbing
18 fixtures, duct systems, and other service equipment, in Zone AO, the minimum elevation
19 requirement shall be at least one foot greater than the depth specified by FEMA on the Flood
20 Insurance Rate Maps above natural grade. If a depth is not specified, the minimum elevation
21 requirement shall be at least two feet above the highest adjacent grade. In areas without a
22 master stormwater drainage system, the minimum elevation requirement shall be the higher of
23 one foot above the depth number or 18 inches above LARC. Flood-proofing may be used,
24 subject to the limitations of the applicable provisions of the Florida Building Code, as may be
25 amended.

26 4. For New Construction and Substantial Improvements, including electrical systems, equipment
27 and components, heating, ventilating, air conditioning, plumbing appliances and plumbing
28 fixtures, duct systems, and other service equipment, in Zones X, X500, and areas not studied,
29 without a master stormwater drainage system, the Base Flood Elevation shall be at least 18
30 inches above the LARC. Flood-proofing may be used, subject to applicable provisions of the
31 Florida Building Code, as may be amended.

C. Substantial Improvement and Substantial Damage

32 For the administration of the flood provisions of the Florida Building Code, Building Volume and
33 Existing Building Volume, the definitions in ULDC Art. 1. I, Section 2, for "Substantial Improvement"
34 and "Substantial Improvement" shall apply.

D. Critical Facilities

35 Construction of new critical facilities shall be, to the extent possible, located outside the limits of
36 SFHAs. Construction of new critical facilities may be permissible within a SFHA if no feasible
37 alternative site is available. If permitted, critical facilities shall be elevated or protected to or above
38 the Base Flood Elevation, plus three feet, or the 500-year (0.2 percent chance) flood elevation,
39 whichever is higher. Flood-proofing may be used, subject to the applicable provisions of the Florida
40 Building Code, as may be amended. Access routes elevated to or above the level of the Base
41 Flood Elevation shall be provided to all critical facilities.

CHAPTER C SUBDIVISIONS

Section 1 Minimum Requirements

44 Subdivision proposals, including proposals for Manufactured Home Parks and Subdivisions, shall be
45 reviewed to determine that:

- 46 A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe
47 from flooding;
48 B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems
49 are located and constructed to minimize or eliminate flood damage; and
50 C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO,
51 adequate drainage paths shall be provided to guide floodwaters around and away from proposed
52 Structures.

Section 2 Subdivision Plats

53 Where any portion of proposed subdivisions, including Manufactured Home Parks and Subdivisions, lies
54 within a Special Flood Hazard Area, the following shall be required:

- 55 A. Delineation of Special Flood Hazard Areas, Floodway boundaries and flood zones, and Design
56 Flood Elevations, as appropriate, shall be shown on a separate exhibit submitted with a Technical
57 Compliance Application for platting, pursuant to Art. 11, Subdivision, Platting, and Required
58 Improvements;

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EXHIBIT B

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

- 1 B. Where the subdivision has more than 50 lots or is larger than five acres and Base Flood Elevations
2 are not included on the FIRM, the Base Flood Elevations determined in accordance with Art.
3 18.A.5.B.1; and
4 C. Compliance with the site improvement and utilities requirements of Art. 18.D.

5 CHAPTER D SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

6 Section 1 Minimum Requirements

7 All proposed new Development shall be reviewed to determine that:

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

15 Section 2 Sanitary-Sewage Facilities

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

22 Section 3 Water-Supply Facilities

23 All new and replacement water-supply facilities shall be designed in accordance with the water well
24 construction standards in Art. 15, ULDC, Section 62-532.500, FAC, and ASCE 24, Chapter 7, to minimize
25 or eliminate infiltration of floodwaters into the systems.

26 Section 4 Limitations on Sites in Regulatory Floodways

27 No Development, including but not limited to site improvements and land-disturbing activity involving fill or
28 regrading, shall be authorized in the regulatory Floodway, unless the Floodway Encroachment Analysis
29 required in Art. 18.A.5.C demonstrates that the proposed Development or land-disturbing activity will not
30 result in any increase in the Base Flood Elevation.

31 Section 5 Limitations on Placement of Fill

32 Subject to the limitations of this Article, fill shall be designed to be stable under conditions of flooding
33 including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-
34 related erosion and scour. In addition to these requirements, if intended to support Buildings and Structures
35 (Zone A only), fill shall comply with the requirements of the Florida Building Code.

36 A. Grading and Earth Fill

37 1. Grading

38 On all new, permitted construction, regardless of flood-zone designation, grading shall keep all
39 rainfall and runoff flow on the Building site, until discharged into the roadway drainage system
40 or to public drainage ways adjacent to the property lines. Berms shall be constructed along
41 lot lines, if necessary, to prevent stormwater flow directly onto adjacent properties. Erosion
42 sedimentation off the Building site shall be controlled until vegetative cover is established. The
43 Floodplain Administrator may require grading plans showing pre-construction and proposed
44 finish earth grades.

45 2. Earth Fill

46 On all New Construction, earth fill brought onto the site of construction from another site shall
47 be minimized to maximize existing floodwater storage capacity. Maximum volume of imported
48 fill shall be limited to that necessary to raise an earth pad to elevate the slab-on-grade not more
49 than six inches above minimum floor elevation set in this Article, with side slopes of the pad of
50 1:5 to 1:3 starting ten feet from the slab edges.

51 3. Fill in Zone V

52 Structural fill shall not be utilized in Coastal High Hazard Areas (Zone V).

53 4. Lot and Building Site Drainage

54 Site grading immediately adjacent to the perimeter of each Building constructed as slab-on-
55 grade shall be sloped so as to drain or direct water away from the Structure.

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EXHIBIT B

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

5. Exceptions from the Requirements in this Section

- a. Only on Building sites requiring raised septic mounds to PBC Health Department minimum elevations, will additional volume of fill be allowed to construct the mound;
- b. Earth fill dug from an on-site excavation shall be unregulated if in accordance with the regulations in the ULDC, and provided finish grade directs lot drainage back into the excavation;
- c. Any volume of fill for placement inside the perimeter foundation walls to raise an interior concrete slab to any higher elevation shall be allowed;
- d. Fill shall be permitted to raise earthen berms on side property lines to prevent drainage onto adjacent lots, provided said berms have side slopes of 1:5 to 1:3, with a triangular cross section;
- e. Fill shall be allowed inside retaining walls for Building access ramps or driveway ramps required by the American Disabilities Act (ADA);
- f. Fill necessary to direct on-site drainage to the public roadway or drainage system shall also be permitted;
- g. Minimum fill for sites that have sloping topography that do not store floodwater shall be permitted. Any fill in excess of this minimum grading requirement shall be subject to approval of the Flood Damage Prevention Board as a Variance;
- h. Fill necessary for critical facilities and public service Buildings; and
- i. Areas included within a South Florida Water Management District permit shall be filled and graded in accordance with the fill and grading design conditions identified in said permit even when elevations are more than six inches above the minimum floor elevation set in Art. 18.D.5.A.2.

Section 6 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 Art. 18.A.5.C.4 demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated Buildings and Structures shall comply with Art. 18.H.8.C.

CHAPTER E MANUFACTURED HOMES

Section 1 General

All Manufactured Homes installed in Special Flood Hazard Areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, FAC, and the requirements of this Article. Manufactured Homes shall not be allowed seaward of the Coastal Construction Control Line.

Section 2 Foundations

All new Manufactured Homes and replacement Manufactured Homes installed in Special Flood Hazard Areas shall be installed on permanent, reinforced foundations that:

- A. In Special Flood Hazard Areas (Zone A) other than Coastal High Hazard Areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Volume, Section R322.2, and this Article. Foundations for Manufactured Homes, subject to Art. 18.E.4.B, are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
- B. In Coastal High Hazard Areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Volume, Section R322.3, and this Article.

Section 3 Anchoring

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

Section 4 Elevation

Manufactured Homes that are placed, replaced or substantially improved shall comply with Art. 18.E.4.A or Art. 18.E.4.B, as applicable.

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EXHIBIT B

ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

A. General Elevation Requirement

Unless subject to the requirements of Art. 18.E.4.B, all Manufactured Homes that are placed, replaced, or substantially improved on sites located: (a) outside of a Manufactured Home Park or Subdivision; (b) in a new Manufactured Home park or subdivision; (c) in an expansion to an Existing Manufactured Home Park or Subdivision; or (d) in an Existing Manufactured Home Park or Subdivision upon which a Manufactured Home has incurred "Substantial Damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the Special Flood Hazard Area, in the Florida Building Code, Residential Volume, Section R322.2 (Zone A) or Section R322.3 (Zone V).

B. Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions

Manufactured Homes that are not subject to Art. 18.E.4.A, including Manufactured Homes that are placed, replaced, or substantially improved on sites located in an Existing Manufactured Home Park or Subdivision, unless on a site where Substantial Damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the Manufactured Home is at or above the elevation required, as applicable to the Special Flood Hazard Area, in the Florida Building Code, Residential Volume, Section R322.2 (Zone A) or Section R322.3 (Zone V); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

Section 5 Enclosures

Enclosed areas below elevated Manufactured Homes shall comply with the requirements of the Florida Building Code, Residential Volume, Section R322.2 or R322.3, for such enclosed areas, as applicable to the Special Flood Hazard Area.

Section 6 Utility Equipment

Utility equipment that serves Manufactured Homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Volume, Section R322, as applicable to the Special Flood Hazard Area.

CHAPTER F RECREATIONAL VEHICLES AND PARK TRAILERS

Section 1 Temporary Placement

Recreational Vehicles and Park Trailers placed temporarily in Special Flood Hazard Areas shall:

- A. Be on the site for fewer than 180 consecutive days; or
- B. Be fully licensed and ready for highway use, which means the Recreational Vehicle or Park Trailer 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.

Section 2 Permanent Placement

Recreational Vehicles and Park Trailers that do not meet the limitations in Art. 18.F.1 above for temporary placement shall meet the requirements of Art. 18.E for Manufactured Homes.

CHAPTER G TANKS

Section 1 Underground Tanks

Underground tanks in Special 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.

Section 2 Non-Elevated, Above-Ground Tanks

Above-ground tanks that do not meet the elevation requirements of Art. 18.G.3 below shall:

- A. Be permitted in Special 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.
- B. Not be permitted in Coastal High Hazard Areas (Zone V).

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ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

Section 3 Elevated, Above-Ground Tanks

In Special Flood Hazard Areas, above-ground tanks shall be attached to, and elevated to (or above) the Design Flood Elevation of, a supporting Structure designed to prevent flotation, collapse or lateral movement during Design Flood conditions. Tank-supporting Structures shall meet the foundation requirements of the applicable Special Flood Hazard Area.

Section 4 Tank Inlets and Vents

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

- A. At or above the Design Flood Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the Design Flood; and
- B. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the Design Flood.

CHAPTER H OTHER DEVELOPMENT

Section 1 General Requirements for Other Development

All Development subject to this article, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Article or the Florida Building Code, shall:

- A. Be located and constructed to minimize flood damage;
- B. Meet the limitations of Art. 18.D.4 if located in a regulated Floodway;
- C. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the Design Flood;
- D. Be constructed of Flood Damage Resistant Materials; and
- E. Have mechanical, plumbing, and electrical systems above the Design Flood Elevation or meet the requirements of ASCE 24, except that "minimum" electric service (i.e., 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 the building code for wet locations.

Section 2 Fences in Regulated Floodways

Fences in regulated Floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Art. 18.D.4.

Section 3 Retaining Walls, Sidewalks and Driveways in Regulated Floodways

Retaining walls, sidewalks and driveways that involve the placement of fill in regulated Floodways shall meet the limitations of Art. 18.D.4.

Section 4 Roads and Watercourse Crossings in Regulated Floodways

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated Floodways shall meet the limitations of Art. 18.D.4. Alteration of a Watercourse that is part of a road or watercourse crossing shall meet the requirements of Art. 18.A.5.C.3.

Section 5 Concrete Slabs Used as Parking Pads, Enclosure floors, Landings, Decks, Walkways, Patios and Similar Nonstructural Uses in Coastal High Hazard Areas (Zone V)

In Coastal High Hazard Areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to Buildings and Structures or beneath Design Flood requirements, provided the concrete slabs are designed and constructed to be:

- A. structurally independent of the foundation system of the Building or Structure;
- B. frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any Structure; and
- C. have a maximum slab thickness of not more than four inches.

Section 6 Decks and Patios in Coastal High Hazard Areas (Zone V)

In addition to the requirements of the Florida Building Code, decks and patios in Coastal High Hazard Areas shall be located, designed, and constructed in compliance with the following:

- A. A deck that is structurally attached to a Building or Structure shall have the bottom of the lowest horizontal structural member at or above the Design Flood Elevation, and any supporting members

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ART. 18 - FLOOD DAMAGE PREVENTION SUMMARY OF AMENDMENTS (Updated 5-30-17)

1 that extend below the Design Flood Elevation shall comply with the foundation requirements that
2 apply to the Building or Structure, which shall be designed to accommodate any increased loads
3 resulting from the attached deck.

4 B. A deck or patio that is located below the Design Flood Elevation shall be structurally independent
5 from Buildings or Structures and their foundation systems, and shall be designed and constructed
6 either to remain intact and in place during Design Flood conditions or to break apart into small
7 pieces to minimize debris during flooding that is capable of causing structural damage to the
8 Building or Structure or to adjacent Buildings and Structures.

9 C. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more
10 than the minimum amount of fill necessary for site drainage shall not be approved unless an
11 analysis prepared by a qualified, registered design professional demonstrates no harmful diversion
12 of floodwaters or wave runup and wave reflection that would increase damage to the Building or
13 Structure or to adjacent Buildings and Structures.

14 D. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on
15 nonstructural fill material that is similar to and compatible with local soils and is the minimum
16 amount necessary for site drainage may be approved without requiring analysis of the impact on
17 diversion of floodwaters or wave runup and wave reflection.

18 **Section 7 Other Development in Coastal High Hazard Areas (Zone V)**

19 In Coastal High Hazard Areas, Development activities, other than Buildings and Structures, shall be
20 permitted only if also authorized by the appropriate federal, state or local authority; if located outside the
21 footprint of and not structurally attached to Buildings and Structures; and if analyses prepared by qualified,
22 registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave
23 reflection that would increase damage to adjacent Buildings and Structures. Such other Development
24 activities include but are not limited to:

25 A. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control Structures;

26 B. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and
27 constructed to fail under flood conditions less than the Design Flood or otherwise function to avoid
28 obstruction of floodwaters; and

29 C. On-site sewage treatment and disposal systems defined in Section 64E-6.002, FAC, as filled
30 systems or mound systems.

31 **Section 8 Nonstructural Fill in Coastal High Hazard Areas (Zone V). In Coastal High Hazard** 32 **Areas:**

33 A. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for
34 landscaping and for drainage purposes under and around Buildings.

35 B. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal
36 shall be permitted only if an analysis prepared by a qualified, registered design professional
37 demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would
38 increase damage to adjacent Buildings and Structures.

39 C. Where authorized by the Florida Department of Environmental Protection or applicable local
40 approval, sand dune construction and restoration of Sand Dunes under or around elevated
41 Buildings are permitted without additional engineering analysis or certification of the diversion of
42 floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent
43 with local beach-dune morphology and the vertical clearance is maintained between the top of the
44 sand dune and the lowest horizontal structural member of the Building.

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Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:**] or [**Partially relocated to:**].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [**Relocated from:**].
- A series of four bolded ellipses indicates language omitted to save space.