

## EXHIBIT B

### ORDINANCE NO. 03-2014

#### ~~Chapter 90 FLOOD CONTROL~~

#### ~~Article I. IN GENERAL~~

#### ~~Secs. 90-1—90-20 Reserved~~

#### ~~Article II. FLOOD HAZARD MANAGEMENT~~

#### ~~Sec. 90-21. Statutory Authorization.~~

~~The Legislature of the State of Florida has authorized and delegated in Chapter 166, Florida Statutes, the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Commission of the City of Deltona does hereby adopt the following floodplain management regulations.~~

#### ~~Sec. 90-22. Findings of Fact.~~

~~(a) — The flood hazard areas of The City of Deltona are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public and private expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.~~

~~(b) — These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.~~

#### ~~Sec. 90-23. Statement of Purpose and Objectives~~

~~(a) — It is the purpose of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:~~

~~(1) — Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights and velocities;~~

~~(2) — Require that uses vulnerable to floods including facilities which serve such uses be protected against flood damage throughout their intended life span;~~

~~(3) — Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;~~

~~(4) — Control filling, grading, dredging and other development which may increase erosion or flood damage; and~~

~~(5) — Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.~~

**Sec. 90-24. Objectives.**

~~(a) — The objectives of this Article are to:~~

~~(1) — Protect human life, health and to eliminate or minimize the risk of property damage;~~

~~(2) — Minimize expenditure of public money for costly flood control projects;~~

~~(3) — Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;~~

~~(4) — Minimize prolonged business interruptions;~~

~~(5) — Minimize damage to public facilities and utilities such as, but not limited to, water and gas mains, electric, telephone and sewer lines, roadways, and bridges and culverts located in floodplains;~~

~~(6) — Maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas;~~

~~(7) — Ensure that potential homebuyers are notified that property is in a flood hazard area; and~~

~~(8) — To protect natural floodplains, stream channels, lakes and natural protective barriers involved in the accommodation and attenuation of floodwaters.~~

**Sec. 90-25. Reserved**

**Sec. 90-26. General provisions.**

~~(a) — *Lands to which this Article applies.* This Article shall apply to all areas of special flood hazard within the City of Deltona.~~

~~(b) — *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency (hereinafter “FEMA”) in the Flood Insurance Study (hereinafter “FIS”) for Volusia County, dated February 19, 2003, with the accompanying maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this Article. The FIS and FIRM are on file at: City of Deltona City Hall, 2345 Providence Blvd., Deltona, FL 32725.~~

~~(c) — *Designation of floodplain administrator.* The City Commission hereby appoints the City Manager or designee to administer and implement the provisions of this Article and is herein referred to as the Floodplain Administrator.~~

~~(d) — *Establishment of Development Permit.* A development permit shall be required in conformance with the provisions of this Article prior to the commencement of any development activities within all areas of special flood hazard.~~

~~(e) — *Compliance.* No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Article and other applicable regulations.~~

~~(f) — *Abrogation and greater restrictions.* This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.~~

~~(g) — *Interpretation.* In the interpretation and application of this Article all provisions shall be:~~

~~(1) — Considered as minimum requirements; and~~

~~(2) — Liberally construed in favor of the City; and~~

~~(3) — Deemed neither to limit nor repeal any other powers granted under State of Florida statutes.~~

~~(h) — *Warning and disclaimer of liability.* The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.~~

**~~Sec. 90-27. Penalties for violation.~~**

~~Violation of the provisions of this Article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or conditional uses, shall be punishable in accordance with Chapter 70, Division 2 of the City Land Development Code.~~

**~~Sec. 90-28. Administration.~~**

~~(a) — *Permit procedures.* If there has been a determination that a property is encumbered by the floodplain (wholly or partially) utilizing FIRM panels, then an application for a Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; earthen fill, storage of materials and equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:~~

~~(1) — Application Stage:~~

~~a. — Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;~~

~~b. — Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;~~

~~c. — Certificate from a Florida registered professional engineer, or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Section 90-28(a)(2) and Section 90-29(b)(2);~~

~~d. — Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;~~

~~e. — Plans submitted to the City shall be depicted on a sheet of paper no smaller than 8.5X11 and drawn at a scale of no less than 1" equals 40';~~

~~(2) — Construction Stage:~~

~~a. — Upon placement of the lowest floor, or flood-proofing by any construction means the permit holder shall submit to the Floodplain Administrator a certification of the National Geodetic Vertical Datum (hereinafter "NGVD") or North American Vertical Datum (hereinafter "NAVD") elevation of the lowest floor or flood-proofed elevation in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a Florida registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood-proofing elevation survey data submitted. The permit holder shall, immediately and prior to further progressive work being permitted to proceed, correct violations detected by such review. Failure to submit the Construction Stage elevation certificate and failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.~~

~~(3) — Final stage:~~

~~a. — Upon project completion, the permit holder shall submit to the Floodplain Administrator a Final Stage elevation certificate prepared by or under the direct supervision of a Florida registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of this certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood-proofing elevation survey data submitted. The permit holder immediately, and prior to the Certificate of Occupancy being issued, shall correct violations detected by such review. Failure to submit the Final Stage elevation certificate, and failure to make corrections required hereby, shall be cause to withhold issuance of a Certificate of Occupancy for the project.~~

~~(b) — *Duties and responsibilities of the floodplain administrator.* Duties of the Administrator shall include, but are not be limited to:~~

~~(1) — Review permits to assure sites are reasonably safe from flooding;~~

- ~~(2) — Review all development permits to assure that the permit requirements of this Article have been satisfied;~~
- ~~(3) — Require copies of additional Federal, State of Florida, or local permits, especially as they relate to Chapters 161.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065; and 553, Part IV, Florida Statutes, be submitted along with the development permit application and maintain such permits on file with the development permit;~~
- ~~(4) — Require applicant to notify, the Florida Division of Emergency Management, the St. Johns River Water Management District, the Federal Emergency Management Agency and other Federal and State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;~~
- ~~(5) — Assure that the applicant provides for maintenance within all altered and relocated portions of any watercourse so that the flood-carrying capacity is maintained;~~
- ~~(6) — Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (A-Zones) of all new and substantially improved buildings, in accordance with Section 90-29(b)(1);~~
- ~~(7) — Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood proofed, in accordance with Section 90-29(b)(2);~~
- ~~(8) — Review certified plans and specifications for compliance. When flood proofing is utilized for a particular building, certification shall be obtained from a registered engineer or architect certifying that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy in compliance with, Section 90-29(b) of this Article will be utilized.~~
- ~~(9) — Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article;~~
- ~~(10) — When base flood elevation data or floodway data have not been determined as set forth in Section 90-26(b), the Floodplain Administrator shall reasonably utilize any submitted base flood elevation and floodway data available from a Federal, State of Florida, or Florida Registered Engineer, or any other source as the Floodplain Administrator deems reliable, in order to administer the provisions of Section 90-29;~~
- ~~(11) — Coordinate all change requests to the FIS, FIRM and Flood Boundary Floodway Map (hereinafter “FBFM”) with the requester, State of Florida, and FEMA;~~
- ~~(12) — Where Base Flood Elevation is utilized, obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements in accordance with Sections 90-29(b)(1) and (2), respectively; and~~

~~(13) — Verify that the developer or applicant notify FEMA of changes in the base flood elevation, no later than six months after the date such information becomes available, by submitting technical or scientific data so risk premium rates and floodplain management can be based on current data.~~

**~~Sec. 90-29. Provisions for flood hazard reduction.~~**

~~(a) — *General Standards.* In all areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:~~

~~(1) — New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;~~

~~(2) — Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State of Florida requirements for resisting wind forces;~~

~~(3) — New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See the applicable Technical Bulletin or Bulletins for guidance;~~

~~(4) — New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage. See the applicable Technical Bulletin or Bulletins for guidance;~~

~~(5) — Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding;~~

~~(6) — New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;~~

~~(7) — New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;~~

~~(8) — On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;~~

~~(9) — Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Article at the time of application for permit, shall meet the requirements of “new construction” as contained in this Article;~~

~~(10) — Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this Article at the time of application for permit, shall be undertaken only if said non-conformity is not furthered, extended, or replaced;~~

~~(11) — All applicable additional Federal, State of Florida, and local permits shall be obtained and submitted to the Floodplain Administrator. Copies of such permits shall be maintained on file with the development permit. State of Florida permits may include, but are not limited to the following:~~

~~a. — St. Johns River Water Management District: in accordance with Florida Administrative Code, Chapter 40C 4.004, Permit Required, and Florida Statutes, Chapter 373.036(2)(a), Florida Statutes, Flood Protection and Floodplain Management.~~

~~b. — Department of Community Affairs: in accordance with Florida Statutes, Chapter 380.05, Areas of Critical State Concern, and Florida Statutes, Chapter 553, Part IV, Florida Building Code.~~

~~c. — Department of Health: in accordance with Florida Statutes, Chapter 381.0065, Onsite Sewage Treatment and Disposal Systems.~~

~~d. — Department of Environmental Protection, Coastal Construction Control Line: in accordance with Florida Statutes, Chapter 161.053, Coastal Construction and Excavation.~~

~~(12) — When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.~~

~~(13) — When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.~~

~~(b) — Specific standards for A Zones (Zones AE, A-1-30 and AH) where base flood elevation data have been provided as set forth in Section 90-26(b), and A Zones where the base flood elevation is undetermined or unnumbered on said maps, the following provisions shall apply:~~

~~(1) Residential Construction. All new construction and all substantial improvement of any residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation or (12) inches above the crown of all adjacent roads, whichever is greater. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of flood hydrostatic forces on both sides of the exterior walls shall be provided in accordance with standards of Section 90-29(b)(3).~~

~~The following exceptions shall apply:~~

~~a. — Accessory structures as defined in Section 70-30, Definitions.~~

~~b. — The floor of a garage used solely for the purpose of parking vehicles shall have the lowest floor elevated no lower than the base flood elevation. However, garages used solely for the purpose of parking can be located at grade if vents are employed to protect the structure.~~

~~c. — The floor of a substantial improvement of any residential structure with a certificate of completion permitted prior to the incorporation of the City of Deltona (December 31, 1995) shall be elevated no lower than the base flood elevation or the floor of the existing structure, whichever is greater.~~

~~(2) — Non Residential Construction. All new construction and all substantial improvement of any commercial, industrial, or non-residential building (including manufactured home used solely for non-residential purposes) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. All non-residential buildings located in A-Zones may be flood proofed, in lieu of being elevated, provided that all areas of the building components below the base flood elevation plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the FEMA Floodproofing Certificate. Such certification along with the corresponding engineering data and the operational and maintenance plans shall be provided to the Floodplain Administrator.~~

~~The following exceptions shall apply:~~

~~a. — Accessory structures as defined in Section 70-30, Definitions.~~

~~b. — The floor of a substantial improvement of any non-residential structure with a certificate of completion permitted prior to the incorporation of the City of Deltona (December 31, 1995) shall be elevated no lower than the base flood elevation or the floor of the existing structure, whichever is greater.~~

~~(3) — Elevated Buildings. New construction and substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.~~

~~a. — Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:~~

~~1. — Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;~~

~~2. — The bottom of all openings shall be no higher than one foot above foundation adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and~~

~~3. — Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.~~

~~b. — Electrical, plumbing and other utility connections are prohibited below the base flood elevation.~~

~~c. — Fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, storage, and building access. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and~~

~~d. — The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.~~

~~(4) — Standards for Manufactured Homes and Recreational Vehicles~~

~~a. — All manufactured homes that are placed, or substantially improved within all A Zones where base flood elevation data have been provided (Zones AE, A1-30, and AH), as set forth in Section 90-26(b), and A Zones where the base flood elevation is undetermined or unnumbered on said maps, on sites (i) outside of an existing manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, shall have the lowest floor elevated on a permanent foundation to no lower than one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~

~~b. — All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision within all A Zones where base flood elevation data have been provided (Zones AE, A1-30, and AH), as set forth in Section 90-26(b), and A Zones where the base flood elevation is undetermined or unnumbered on said maps, that are not subject to the provisions of paragraph 4 (a) of this Section, shall be elevated so that either:~~

~~1. — The lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot above the base flood elevation and it is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement; or~~

~~2. — The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength that are no less than 48 inches in height above the grade and securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.~~

~~c. — All recreational vehicles placed on sites within all A Zones where base flood elevation data have been provided (Zones AE, A1-30, and AH), as set forth in Section 90-26(b), and A Zones where the base flood elevation is undetermined or unnumbered on said maps, must either meet all the requirements for new construction, including anchoring and elevation requirements in accordance with Section 90-29(b)(4)(a) and (b) of this subsection, or:~~

~~1. — Be on the site for fewer than 180 consecutive days; and~~

~~2. — Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions).~~

~~(5) — Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.~~

~~(6) — Standards for streams with established Base Flood Elevations, without Regulatory Floodways located within the areas of special flood hazard established in Section 90-26(b), where streams exist for which base flood elevation data has been provided by the FEMA without the delineation of the regulatory floodway (Zones AE and A1-30), the following additional provisions shall also apply:~~

~~a. — Until a regulatory floodway is designated, no new construction, substantial improvements, or other development including fill shall be permitted within the areas of special flood hazard, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other~~

~~existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.~~

~~b. — Development activities which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies —with the community’s endorsement— for a conditional FIRM revision, and receives the approval of the FEMA.~~

~~(7) Standards for Streams Without Established Base Flood Elevations and Floodways. Located within the areas of special flood hazard established in Section 90-2772-746(b), where small streams exist but where no base flood data have been provided and where no floodways have been provided, the following provisions shall apply:~~

~~a. — No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.~~

~~b. — New construction and all substantial improvements of structures shall be elevated or floodproofed to elevations established in accordance with Section 90-29(b).~~

~~(8) — Floodways. Located within areas of special flood hazard established in Section 90-26(b) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and have significant erosion potential, the following additional provisions shall also apply:~~

~~a. — Encroachments, including fill, new construction, substantial improvements and all other development within the regulatory floodway is prohibited unless certification (with supporting technical data) by a registered professional engineer is provided through hydraulic and hydrologic analyses performed in accordance with standard engineering practice demonstrating that the proposed encroachment will not result in any increase in flood levels during occurrence of the base flood discharge.~~

~~b. — The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Section 90-29(a)(2), and the elevation standards of Section 90-29(b)(1) and (2), and the encroachment standards of Section 90-26(b)(7)(a), are met.~~

~~c. — Development activities including new construction and substantial improvements that increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies —with the community’s endorsement— for a conditional FIRM revision, and receives the approval of FEMA.~~

~~d. — When fill is proposed, in accordance with the permit issued by the Florida Department of Health, within the regulatory floodway, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood in accordance with Section 90-29(b)(7)(a).~~

~~(c) — Specific standards for A-Zones without base flood elevations and regulatory floodways. Located within the areas of special flood hazard established in Section 90-26(b), where there exist A-Zones for which no base flood elevation data have been provided and no regulatory floodway has been designated by FEMA, the following provisions shall apply:~~

~~(1) — The General Standards set forth in Section 90-29(a) must be met.~~

~~(2) — The Floodplain Administrator shall reasonably utilize any submitted base flood elevation and floodway data available from a Federal, State of Florida, Florida Registered Engineer, or any other source deemed by him or her to be reliable, in order to administer the provisions of this Article. When such data is utilized, provisions of Section 90-29(b) shall apply. The Floodplain Administrator shall:~~

~~a. — Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures;~~

~~b. — Obtain, if the structure has been floodproofed in accordance with the requirements of Section 90-29(b)(2), the elevation in relation to the mean sea level to which the structure has been floodproofed, and~~

~~c. — Maintain a record of all such information.~~

~~(3) — In riverine situations, applicant shall notify adjacent communities, the State of Florida Division of Emergency Management, State Floodplain Management Office, and the St. Johns Water Management District prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.~~

~~(4) — Applicant shall provide engineering documentation assuring that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.~~

~~(5) — All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, any part of which is located in an A-zone for which no base flood elevation data and regulatory floodway information have been provided, shall include within such proposals base flood elevation data.~~

~~(6) — STANDARDS FOR SUBDIVISION APPROVALS —~~

~~a. — All subdivision proposals shall be consistent with the need to minimize flood damage;~~

~~b. — All subdivision proposals shall have utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;~~

~~c. — All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and~~

~~(7) — Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This~~

requirement is in addition to applicable State of Florida and local anchoring requirements for resisting wind forces.

~~(8) — When the data is not available from any source, in accordance with standard set forth in Section 90-29(b), the lowest floor of the structure shall be elevated to no lower than three feet above the highest adjacent grade. Standards set forth in Section 90-29(b) shall apply.~~

~~(d) — *Specific standards for AO Zones.* Located within the areas of special flood hazard established in Section 90-26(b) are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one (1) to three (3) feet, where a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate; therefore, the following provisions shall apply:~~

~~(1) — All new construction and all substantial improvements of residential structures in all AO Zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least one (1) foot higher than the depth number specified in feet on the FIRM or twelve (12) inches above the crown of all adjacent roads, whichever is greater. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to no less than three (3) feet above the highest adjacent grade.~~

~~— The following exceptions shall apply:~~

~~a. Accessory structures as defined in Section 70-30, Definitions.~~

~~b. — The floor of a garage used solely for the purpose of parking vehicles shall have the lowest floor elevated above the highest grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to no less than two (2) feet above the highest adjacent grade.~~

~~c. — The floor of a substantial improvement of any residential structure with a certificate of completion permitted prior to the incorporation of the City of Deltona (December 31, 1995) shall have the lowest floor elevated above the highest grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to no less than two (2) feet above the highest adjacent grade.~~

~~(2) — All new construction and all substantial improvements of non-residential structures shall:~~

~~a. — Have the lowest floor, including basement, elevated above the highest adjacent grade at least one (1) foot higher than the depth number specified in feet on the FIRM or twelve (12) inches above the crown of all adjacent roads, whichever is greater. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade, or~~

~~b. — Together with attendant utility and sanitary facilities, be completely floodproofed to that level required to meet the floodproofing standard specified in Section 90-29(b)(2).~~

~~c. — The following exceptions shall apply:~~

~~1. — Accessory structures defined in Section 70-30 Definitions.~~

~~2. — The floor of a substantial improvement of any non-residential structure with a certificate of completion permitted prior to the incorporation of the City of Deltona (December 31, 1995) shall have the lowest floor elevated above the highest grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to no less than two (2) feet above the highest adjacent grade.~~

~~(3) — Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.~~

~~(4) — Fully enclosed areas below the lowest floor that are subject to flooding shall meet the non-elevation design requirements of Section 90-29(b).~~

**~~Sec. 90-30. Variance and appeal procedures.~~**

~~(a) — *Designation of variance and appeals board.* The Development Review Committee (hereinafter “DRC”) as established by the City of Deltona shall hear and decide appeals of decisions of the Floodplain Administrator and requests for variances from the requirements of this Article.~~

~~(b) — *Duties of variance and appeals board.* The DRC shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this Article. The DRC shall also hear and decide requests for variances from the requirements of this Article. Any person aggrieved by the decision of the DRC may appeal such decision to the City Commission utilizing the procedures set forth in Chapter 74, Section 74-2.~~

~~(c) — *Variance procedures.* In acting upon variance applications, the DRC shall consider all technical evaluations, all relevant factors, standards specified in other sections of this division, and:~~

~~(1) — The danger that materials may be swept onto other lands to the injury of others;~~

~~(2) — The danger of life and property due to flooding or erosion damage;~~

~~(3) — The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~

~~(4) — The importance of the services provided by the proposed facility to the community;~~

~~(5) — The necessity to the facility of a waterfront location, where applicable;~~

~~(6) — The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~

~~(7) — The compatibility of the proposed use with existing and anticipated development;~~

~~(8) — The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~

~~(9) — The safety of access to the property in times of flood for ordinary and emergency vehicles;~~

~~(10) — The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and~~

~~(11) — The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.~~

~~(d) — Conditions for variances:~~

~~(1) — Variances shall only be issued when there is:~~

~~a. — A showing of good and sufficient cause;~~

~~b. — A determination that failure to grant the variance would result in exceptional hardship; and~~

~~c. — A determination that the granting of a variance will not result in an increased flood height, threat to public safety, an increase in public expense, create a nuisance, obstruct the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin, or conflict with existing local laws or ordinances.~~

~~(2) — Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this Article.~~

~~(3) — Variances shall not be granted after the fact.~~

~~(4) — The Floodplain Administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances in the community's NFIP Biennial Report and upon request to FEMA and the State of Florida, Department of Community Affairs, NFIP Coordinating Office.~~

**~~Sec. 90-31. Variance notification.~~**

~~(a) — Any applicant to whom a variance is granted shall be given written notice by the City that:~~

~~(1) — The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 (or more) of insurance coverage, and~~

~~(2) — Such construction below the base flood level increases risks to life and property.~~

~~(b) — A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Clerk of Court and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.~~

**~~Sec. 90-32. Historic structures.~~**

~~Variances may be issued for the repair or rehabilitation of "historic" structures — meeting the definition in this division — upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic" structure and without regard for the factors set forth in~~

~~Section 90-30(c), except subsections (1) and (4) thereto, and without regard for the conditions set forth in Section 90-30(d)(1).~~

~~**Sec. 90-33. Structures in regulatory floodway.**~~

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

**Chapter 90. FLOODPLAIN MANAGEMENT**

**Article I. ADMINISTRATION**

**Sec. 90-1. General**

- (a) *Title.* These regulations shall be known as the *Floodplain Management Ordinance of the City of Deltona*, hereinafter referred to as “this ordinance.”
- (b) *Scope.* The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- (c) *Intent.* The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to prevent or minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
- (1) Prevent or minimize unnecessary disruption of commerce, access and public service during times of flooding;
  - (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
  - (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
  - (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to prevent or minimize the impact of development on the natural and beneficial functions of the floodplain;
  - (5) Prevent or minimize damage to public and private facilities and utilities;
  - (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
  - (7) Prevent or minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
  - (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

- (d) Coordination with the Florida Building Code. This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.
- (e) Warning. The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.
- (f) Disclaimer of Liability. This ordinance shall not create liability on the part of the City Commission of the City of Deltona or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### **Sec. 90-2. Applicability**

- (a) General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (b) Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within the City of Deltona, as established in Section 90-2(c) of this ordinance.
- (c) Basis for establishing flood hazard areas. The Flood Insurance Study for Volusia County, Florida and Incorporated Areas dated February 19, 2014, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Planning a Development or Construction Services offices.
- (d) Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 90-5 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
  - (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
  - (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- (e) Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state, or federal law.
- (f) Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for

management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant, or easement, but any land that is subject to such interests shall also be governed by this ordinance.

(g) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

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

### **Sec. 90-3. Duties and Powers of the Floodplain Administrator**

(a) Designation. The City Manager is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

(b) General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 90-7 of this ordinance.

(c) Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

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

- (d) Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
  - (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
  - (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
  - (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.
- (e) Modifications of the strict application of the requirements of the Florida Building Code. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 90-7 of this ordinance.
- (f) Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.
- (g) Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 90-6 of this ordinance for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- (h) Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:
- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 90-3(d) of this ordinance;
  - (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
  - (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such

data becoming available;

(4) Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete; and

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Deltona are modified.

(i) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at Deltona City Hall, 2345 Providence Blvd. within the Planning and Development Services or Construction Services offices.

#### **Sec. 90-4. Permits**

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

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

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

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

(2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.

(3) Temporary buildings or sheds used exclusively for construction purposes.

(4) Mobile or modular structures used as temporary offices.

- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps
- (d) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

  - (1) Identify and describe the development to be covered by the permit or approval.
  - (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
  - (3) Indicate the use and occupancy for which the proposed development is intended.
  - (4) Be accompanied by a site plan or construction documents as specified in Section 90-5 of this ordinance.
  - (5) State the valuation of the proposed work.
  - (6) Be signed by the applicant or the applicant's authorized agent.
  - (7) Give such other data and information as required by the Floodplain Administrator.
- (e) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- (f) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- (g) *Suspension or revocation.* The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate, or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

(h) Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The St. Johns River 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, F.A.C.
- (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (4) 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.
- (5) Federal permits and approvals.

### **Sec. 90-5. Site Plans and Construction Documents**

(a) Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 90-5(b)(2) or 90-5(b)(3) of this ordinance.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 90-5(b)(1) of this ordinance.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- (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) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance 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 ordinance.

(b) Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- (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 (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
  - (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- (c) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 90-5(d) of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
  - (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
  - (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 90-5(d) of this ordinance.
- (d) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to

seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

### **Sec. 90-6. Inspections**

- a. General. Development for which a floodplain development permit or approval is required shall be subject to inspection.
- b. Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- c. Buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.
- d. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:
- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
  - (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 90-5(b)(3)b of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- e. Buildings, structures, and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 90-6(d) of this ordinance.
- f. Manufactured homes. The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

### **Sec. 90-7. Variances and Appeals**

- (a) General. The City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.
- (b) Appeals. The City Commission shall hear and decide appeals when it is alleged there is an error in

any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of City Commission may appeal such decision to the Circuit Court, as provided by Florida Statutes.

(c) *Limitations on authority to grant variances.* The City Commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 90-7(f) of this ordinance, the conditions of issuance set forth in Section 90-7(g) of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The City Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

(1) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 90-5 (c) of this ordinance.

(d) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 11 Historic Buildings*, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted, and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

(e) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 90-7(c)(1), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(f) *Considerations for issuance of variances.* In reviewing requests for variances, the City Commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

(1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

(4) The importance of the services provided by the proposed development to the community;

(5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

(6) The compatibility of the proposed development with existing and anticipated development;

(7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

(8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

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

(g) Conditions for issuance of variances. Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the City Commission that:
  - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

### **Sec. 90-8. Violations**

- (a) Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. 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 ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- (b) Authority. For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- (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 the Florida Building Code, Chapter 105.1.

**Sec. 90-9 – Sec. 90-20. Reserved**

**ARTICLE II. FLOOD RESISTANT DEVELOPMENT**

**Sec. 90-21. Buildings and Structures**

(a) Design and construction of buildings, structures, and facilities exempt from the Florida Building Code. Pursuant to Section 90-4(c) of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 90-27 of this ordinance.

**Sec. 90-22. Subdivisions**

(a) Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

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

(b) Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 90-5(b)(1) of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of Section 90-23 of this ordinance.

**Sec. 90-23. Site Improvements, Utilities and Limitations**

(a) Minimum requirements. All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (b) Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- (c) Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- (d) Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or re-grading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 90-5(c)(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- (e) Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

#### **Sec. 90-24. Manufactured Homes**

- (a) General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.
- (b) Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential Section R322.2* and this ordinance.
- (c) 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.
- (d) Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 90-24(d)(1) or 90-24(d)(2) of this ordinance, as applicable.
- (1) General elevation requirement. Unless subject to the requirements of Section 90-24(d)(2) of this ordinance, 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 flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

(2) Elevation requirement for certain existing manufactured home parks and subdivisions.

Manufactured homes that are not subject to Section 90-24(d)(1) of this ordinance, 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:

- a. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or
- b. 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.

(e) Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.

(f) Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

### **Sec. 90-25. Recreational Vehicles and Park Trailers**

(a) Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

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

(b) Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 90-25(a) of this ordinance for temporary placement shall meet the requirements of Section 90-24 of this ordinance for manufactured homes.

### **Sec. 90-26. Tanks**

(a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(b) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 90-26(c) of this ordinance shall be permitted in flood 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.

(c) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

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

### **Sec. 90-27. Other Development**

(a) General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 90-23(d) of this ordinance if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(b) Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 90-23(d) of this ordinance.

(c) Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 90-23(d) of this ordinance.

(d) Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 90-23(d) of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 90-5(c)(3) of this ordinance.

### Article III. LOCAL REQUIREMENTS

#### Sec. 90-28. Local Amendments to the Florida Building Code

(a) General. The following provisions of Chapter 90 are added as local technical amendments to Section 1612 of the Florida Building Code, Building and Section R322 of the Florida Building Code, Residential pursuant to Section 553.73(5) Florida Statutes.

(1) All new construction and all substantial improvements to any building shall have the lowest floor, including basement, elevated to no lower than one foot (12 inches) above the base flood elevation. However, if one foot above the base flood elevation height is below the crown of adjacent roads, the lowest floor elevation, including basement, shall be required to be elevated 12 inches above the crown of all adjacent roads, or an average of the finish floor elevations of surrounding homes as determined by the City engineer and Building Official.

(2) All new construction and all substantial improvements to any building shall have the lowest floor, including basement, elevated to no lower than one foot (12 inches) above the base flood elevation. However, if one foot above the base flood elevation height is below the crown of adjacent roads, the lowest floor elevation, including basement, shall be required to be elevated 12 inches above the crown of all adjacent roads, or an average of the finish floor elevation of surrounding homes as determined by the City Engineer and Building Official.

(b) Modifications of the strict application of the requirements of the Florida Building Code (Florida Building Code, Building, Section 104.10.1). The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 90-28(d) of this ordinance.

(c) Building permits issued on the basis of an affidavit (Florida Building Code, Building, Section 107.6.1). Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 90-5 and Section 90-7(g) of this ordinance, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

(d) Variances in flood hazard areas (Florida Building Code, Building, Section 117). The variance procedures adopted in this ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.