

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

CITY OF ANNA MARIA
ORDINANCE NO. 14-769
FLOOD DAMAGE PREVENTION

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, PROVING FOR FLOOD DAMAGE PREVENTION; PROVIDING FOR STATUTORY AUTHORIZATION; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INTENT; PROVIDING FOR ADOPTION OF UPDATED FLOOD HAZARD MAPS; PROVIDING FOR DEFINITIONS; PROVIDING FOR ADOPTION OF LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR ADOPTION OF LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE PROVIDING FOR SPECIFIC REQUIREMENTS; PROVIDING FOR A PERMITTING PROCESS; PROVIDING FOR DESIGNATION OF THE FLOODPLAIN MANAGER; PROVIDING FOR VARIANCE PROCEDURES; PROVIDING FOR MONITORING REQUIREMENTS; PROVIDING FOR SUSPENSION, REVOCATION, AND APPEALS OF PERMIT; PROVIDING FOR REMEDIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in **Chapter 166 – Municipalities**, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

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

WHEREAS, the City of Anna Maria was accepted for participation in the National Flood Insurance Program on June 11th, 1971 and the Anna Maria Board of City Commissioners desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

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

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

WHEREAS, the City of Anna Maria is participating in the National Flood Insurance Program's Community Rating System, and the City Commission has determined that the area within the City boundaries is subject to moderate wave action, and has by ordinance prior to July 1, 2010 applied coastal high hazard area requirements to all designated A-Zone areas that were found to be subject to moderate wave action, and, pursuant to section 553.73(5), F.S., is formatting this requirement to coordinate with the Florida Building Code; and

50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99

WHEREAS, the City Commission previously adopted requirements to (1) increase the minimum elevation requirements for buildings and structures in flood hazard areas, (2) require accumulation of costs of improvements and repairs of buildings, based on issued building permits, over a 1 year period and prior to July 1, 2010, (3) and, pursuant to section 553.75(5), F.S., is formatting these requirements to coordinate with the Florida Building Code; and

WHEREAS, the Anna Maria Board of City Commissioners had previously adopted a requirement to (1) require buildings that sustain repetitive flood damage over a 10-year period to be included in the definition of “substantial damage,” for buildings and structures in flood hazard areas, and (2) impose limitations on Critical Facilities, for the purpose of participating in the National Flood Insurance Program’s Community Rating System and, pursuant to Section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the City of Anna Maria Board of City Commissioners is adopting requirements to limit the size of enclosures below elevated dwellings in the Special Flood Hazard Area, to limit partitioning of enclosed areas below elevated dwellings and to require declarations of land restriction (non-conversion agreements) for enclosures below elevated dwellings for the purpose of participating in the National Flood Insurance Program’s Community Rating System and, pursuant to Section 553.73(50), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the City of Anna Maria Board of City Commissioners, based upon review of local conditions and as demonstrated by evidence has determined that there is a local need to limit new installations of manufactured homes in certain high risk flood hazard areas; and

WHEREAS, the City Commission has held hearings and taken comment on this matter and finds that flood damage protection and participation in the National Flood insurance program is beneficial to the citizens of the City and is an appropriate subject for regulation within the City of Anna Maria; and

WHEREAS, the City of Anna Maria Board of City Commissioners has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Anna Maria, Florida in regular session that the following floodplain management regulations and local administrative amendments and technical amendments to the 2010 *Florida Building Code*, are hereby adopted.

SECTION 1. RECITALS.

The foregoing whereas clauses are deemed findings of fact and incorporated herein by reference and made a part hereof.

SECTION 2. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): 09-05 Flood Damage Prevention and Chapter 82 – Floods, of the City of Anna Maria Code of Ordinances.

100 **SECTION 3. Chapter 82 Floods of the City of Anna Maria Code of Ordinances is hereby**
101 **amended in its entirety to read as follows**

102
103
104 **CHAPTER 1 ADMINISTRATION**

105
106 **SECTION 101 GENERAL**

107
108 **101.1 Title.** These regulations shall be known as the *Floodplain Management Ordinance* of the
109 City of Anna Maria, hereinafter referred to as “this ordinance.”

110
111 **101.2 Scope.** The provisions of this ordinance shall apply to all development that is wholly within
112 or partially within any flood hazard area, including but not limited to the subdivision of land; filling,
113 grading, and other site improvements and utility installations; construction, alteration, remodeling,
114 enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures,
115 and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement
116 of Manufactured/Mobile homes and Manufactured/Mobile buildings; installation or replacement of
117 tanks; placement of recreational vehicles; installation of swimming pools; and any other
118 development.

119
120 **101.3 Intent.** The purposes of this ordinance and the flood load and flood resistant construction
121 requirements of the *Florida Building Code* are to establish minimum requirements to safeguard
122 the public health, safety, and general welfare and to minimize public and private losses due to
123 flooding through regulation of development in flood hazard areas to:

- 124 (1) Minimize unnecessary disruption of commerce, access and public service during times
125 of flooding;
- 126 (2) Require the use of appropriate construction practices in order to prevent or minimize
127 future flood damage;
- 128 (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage
129 of equipment or materials, and other development which may increase flood damage or
130 erosion potential;
- 131 (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize
132 the impact of development on the natural and beneficial functions of the floodplain;
- 133 (5) Minimize damage to public and private facilities and utilities;
- 134 (6) Help maintain a stable tax base by providing for the sound use and development of flood
135 hazard areas;
- 136 (7) Minimize the need for future expenditure of public funds for flood control projects and
137 response to and recovery from flood events; and
- 138 (8) Meet the requirements of the National Flood Insurance Program for community
139 participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

140
141 **101.4 Coordination with the *Florida Building Code*.** This ordinance is intended to be
142 administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE
143 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

144
145 **101.5 Warning.** The degree of flood protection required by this ordinance and the *Florida Building*

146 Code, as amended by this community, is considered the minimum reasonable for regulatory
147 purposes and is based on scientific and engineering considerations. Larger floods can and will
148 occur. Flood heights may be increased by man-made or natural causes. This ordinance does not
149 imply that land outside of mapped special flood hazard areas, or that uses permitted within such
150 flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base
151 flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps
152 and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be
153 revised by the Federal Emergency Management Agency, requiring this community to revise these
154 regulations to remain eligible for participation in the National Flood Insurance Program. No
155 guaranty of vested use, existing use, or future use is implied or expressed by compliance with
156 this ordinance.

157
158 **101.6 Disclaimer of Liability.** This ordinance shall not create liability on the part of The City
159 Commission of the City of Anna Maria or by any officer or employee thereof for any flood
160 damage that results from reliance on this ordinance or any administrative decision lawfully made
161 thereunder.

162 SECTION 102 APPLICABILITY

163
164
165 **102.1 General.** Where there is a conflict between a general requirement and a specific
166 requirement, the specific requirement shall be applicable.

167
168 **102.2 Areas to which this ordinance applies.** This ordinance shall apply to all flood hazard
169 areas within the City of Anna Maria, as established in Section 102.3 of this ordinance.

170
171 **102.3 Basis for establishing flood hazard areas.** The Flood Insurance Study for Manatee
172 County, Florida and Incorporated Areas dated March 17, 2014, and all subsequent amendments
173 and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent
174 amendments and revisions to such maps, are adopted by reference as a part of this ordinance
175 and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps
176 that establish flood hazard areas are on file at the City of Anna Maria Planning and
177 Development Department.

178
179 **102.4 Other laws.** The provisions of this ordinance shall not be deemed to nullify any
180 provisions of local, state or federal law.

181
182 **102.5 Abrogation and greater restrictions.** This ordinance supersedes any ordinance in effect
183 for management of development in flood hazard areas. However, it is not intended to repeal or
184 abrogate any existing ordinances including but not limited to land development regulations,
185 zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the
186 event of a conflict between this ordinance and any other ordinance, the more restrictive shall
187 govern. This ordinance shall not impair any deed restriction, covenant or easement, but any
188 land that is subject to such interests shall also be governed by this ordinance.

189
190
191
192 **102.6 Interpretation.** In the interpretation and application of this ordinance, all provisions shall
193 be:

- 194 (1) Considered as minimum requirements;
- 195 (2) Liberally construed in favor of the governing body; and

196 (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
197

198 **SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**
199

200 **103.1 Designation.** The Building Official shall be designated the Floodplain Manager and may
201 delegate performance of certain other duties to other employees.
202

203 **103.2 General.** The Floodplain Administrator is authorized and directed to administer and
204 enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to
205 render interpretations of this ordinance consistent with the intent and purpose of this ordinance
206 and may establish policies and procedures in order to clarify the application of its provisions.
207 Such interpretations, policies, and procedures shall not have the effect of waiving requirements
208 specifically provided in this ordinance without the granting of a variance pursuant to Section 107
209 of this ordinance.
210

211 **103.3 Applications and permits.** The Floodplain Administrator, in coordination with other
212 pertinent offices of the community, shall:

- 213 (1) Review applications and plans to determine whether proposed new development will be
214 located in flood hazard areas;
- 215 (2) Review applications for modification of any existing development in flood hazard areas
216 for compliance with the requirements of this ordinance;
- 217 (3) Interpret flood hazard area boundaries where such interpretation is necessary to
218 determine the exact location of boundaries; a person contesting the determination shall
219 have the opportunity to appeal the interpretation;
- 220 (4) Provide available flood elevation and flood hazard information;
- 221 (5) Determine whether additional flood hazard data shall be obtained from other sources or
222 shall be developed by an applicant;
- 223 (6) Review applications to determine whether proposed development will be reasonably
224 safe from flooding;
- 225 (7) Issue floodplain development permits or approvals for development other than buildings
226 and structures that are subject to the *Florida Building Code*, including buildings,
227 structures and facilities exempt from the *Florida Building Code*, when compliance with
228 this ordinance is demonstrated, or disapprove the same in the event of noncompliance;
229 and
- 230 (8) Coordinate with and provide comments to the Building Official to assure that
231 applications, plan reviews, and inspections for buildings and structures in flood hazard
232 areas comply with the applicable provisions of this ordinance.
233

234 **103.4 Substantial improvement, substantial damage and substantial demolition**
235 **determinations.** For applications for building permits to improve buildings and structures,
236 including alterations, movement, enlargement, replacement, repair, change of occupancy,
237 additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage,
238 and any other improvement of or work on such buildings and structures, the Floodplain
239 Administrator, in coordination with the Building Official, shall:

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

242 the start of construction of the proposed work; in the case of repair, the market value of
243 the building or structure shall be the market value before the damage occurred and
244 before any repairs are made;

245 (2) Compare the cost to perform the improvement, the cost to repair a damaged building to
246 its pre-damaged condition, or the combined costs of improvements and repairs, if
247 applicable, to the market value of the building or structure;

248 (3) Determine and document whether the proposed work constitutes substantial
249 improvement or repair of substantial damage; the determination requires evaluation of
250 previous permits issued for improvements as specified in the definition of “substantial
251 improvement;” for proposed work to repair damage caused by flooding, the
252 determination requires evaluation of previous permits issued to repair flood-damage as
253 specified in the definition of “substantial damage”; and

254 (4) Determine the amount of demolition that can occur before the subject structure becomes
255 a non-viable structure requiring full compliance with this ordinance and the Florida
256 Building Code using the definition of substantial demolition given herein under section
257 201 - Definitions.

258 (5) Notify the applicant if it is determined that the work constitutes substantial improvement
259 or repair of substantial damage or will result in substantial demolition and that
260 compliance with the flood resistant construction requirements of the *Florida Building*
261 *Code* and this ordinance is required.

262
263 **103.5 Modifications of the strict application of the requirements of the *Florida Building***
264 ***Code*.** The Floodplain Administrator shall review requests submitted to the Building Official that
265 seek approval to modify the strict application of the flood load and flood resistant construction
266 requirements of the *Florida Building Code* to determine whether such requests require the
267 granting of a variance pursuant to Section 107 of this ordinance.

268
269 **103.6 Notices and orders.** The Floodplain Administrator shall coordinate with appropriate local
270 agencies for the issuance of all necessary notices or orders to ensure compliance with this
271 ordinance.

272
273 **103.7 Inspections.** The Floodplain Administrator shall make the required inspections as
274 specified in Section 106 of this ordinance for development that is not subject to the *Florida*
275 *Building Code*, including buildings, structures and facilities exempt from the *Florida Building*
276 *Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if
277 development is undertaken without issuance of a permit.

278
279 **103.8 Other duties of the Floodplain Administrator.** The Floodplain Administrator shall have
280 other duties, including but not limited to:

281 (1) Establish, in coordination with the Building Official, procedures for administering and
282 documenting determinations of substantial improvement, substantial damage, and
283 substantial demolition made pursuant to Section 103.4 of this ordinance;

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

- 289 (3) Review required design certifications and documentation of elevations specified by this
290 ordinance and the *Florida Building Code* and this ordinance to determine that such
291 certifications and documentations are complete;
- 292 (4) Notify the Federal Emergency Management Agency when the corporate boundaries of
293 the City of Anna Maria are modified; and
- 294 (5) Advise applicants for new buildings and structures, including substantial improvements
295 that are located in any unit of the Coastal Barrier Resources System established by the
296 Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement
297 Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such
298 construction; areas subject to this limitation are identified on Flood Insurance Rate Maps
299 as “Coastal Barrier Resource System Areas” and “Otherwise Protected Areas.”
- 300 (6) Perform the duties of the Community Rating System Coordinator for the City.

301
302 **103.9 Floodplain management records.** Regardless of any limitation on the period required
303 for retention of public records, the Floodplain Administrator in coordination with the City Clerk
304 shall maintain and permanently keep and make available for public inspection all records that
305 are necessary for the administration of this ordinance and the flood resistant construction
306 requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of
307 Change; records of issuance of permits and denial of permits; determinations of whether
308 proposed work constitutes substantial improvement or repair of substantial damage; required
309 design certifications and documentation of elevations specified by the *Florida Building Code* and
310 this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations
311 of watercourses; assurances that the flood carrying capacity of altered watercourses will be
312 maintained; documentation related to appeals and variances, including justification for issuance
313 or denial; and records of enforcement actions taken pursuant to this ordinance and the flood
314 resistant construction requirements of the *Florida Building Code*. These records shall be
315 available for public inspection at the City Planning and Development Department..

316
317 **103.10. NFIP Community Rating System.** The City of Anna Maria participates in the
318 Community Rating System (CRS). Under the CRS, the City of Anna Maria has adopted a
319 number of higher regulatory standards than those required by NFIP. As part of the CRS
320 program, the City of Anna Maria flood insurance premiums are adjusted to reflect community
321 activities that: reduce flood damage to existing buildings, protect new buildings beyond the
322 minimum NFIP protection level, help insurance agents obtain flood data, and allow building
323 owners obtain flood insurance. The Community Rating System coordinator will present an
324 annual report of activities with a copy of the annual recertification to the City Commission.

325
326 **SECTION 104 PERMITS**

327
328 **104.1 Permits required.** Any owner or owner’s authorized agent (hereinafter “applicant”) who
329 intends to undertake any development activity within the scope of this ordinance, including
330 buildings, structures and facilities exempt from the Florida Building Code, which is wholly within
331 or partially within any flood hazard area shall first make application to the Floodplain
332 Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and
333 approval(s) prior to the commencement of any development activities. Floodplain development
334 permits may be combined with other permits required by the City of Anna Maria Code of
335 Ordinances. No such permit or approval shall be issued until compliance with the requirements of
336 this ordinance and all other applicable codes and regulations has been satisfied.

337

338 **104.2 Floodplain development permits or approvals.** Floodplain development permits or
339 approvals shall be issued pursuant to this ordinance for any development activities not subject to the
340 requirements of the *Florida Building Code*, including buildings, structures and facilities exempt
341 from the *Florida Building Code*. Depending on the nature and extent of proposed development
342 that includes a building or structure, the Floodplain Administrator may determine that a floodplain
343 development permit or approval is required in addition to a building permit.
344

345 **104.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*.**

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

- 351 (1) Railroads and ancillary facilities associated with the railroad.
- 352 (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- 353 (3) Temporary buildings or sheds used exclusively for construction purposes.
- 354 (4) Mobile or modular structures used as temporary offices.
- 355 (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which
356 are directly involved in the generation, transmission, or distribution of electricity.
- 357 (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole
358 Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided
359 wooden hut that has a thatched roof of palm or palmetto or other traditional materials,
360 and that does not incorporate any electrical, plumbing, or other non-wood features.
- 361 (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and
362 assembled on site or preassembled and delivered on site and have walls, roofs, and a
363 floor constructed of granite, marble, or reinforced concrete.
- 364 (8) Temporary housing provided by the Department of Corrections to any prisoner in the
365 state correctional system.
- 366 (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida*
367 *Building Code* if such structures are located in flood hazard areas established on Flood
368 Insurance Rate Maps
369

370 **104.3 Application for a permit or approval.** To obtain a floodplain development permit or
371 approval the applicant shall first file an application in writing on a form furnished by the
372 community. The information provided shall:

- 373 (1) Identify and describe the development to be covered by the permit or approval.
- 374 (2) Describe the land on which the proposed development is to be conducted by legal
375 description, street address or similar description that will readily identify and definitively
376 locate the site.
- 377 (3) Indicate the use and occupancy for which the proposed development is intended.
- 378 (4) Be accompanied by a site plan or construction documents as specified in Section 105 of
379 this ordinance.
- 380 (5) For projects proposing to enclose areas under elevated buildings, a signed Declaration
381 of Land Restriction (Non-conversion Agreement); the agreement shall be recorded on
382 the property deed prior to issuance of the Certificate of Occupancy.

- 383 (6) For projects requiring review for substantial improvement or substantial damage of
384 existing buildings:
- 385 a. A completed Substantial Improvement Determination packet using forms
386 provided by the City, containing detailed information on the scope of work and an
387 estimate of the value of the work to be performed under the scope of work. If the
388 value of work is over 35% of the Market Value of the structure, the packet shall
389 contain proposals from the subcontractors and a contract signed by the owner
390 and contractor. In the event that the contract is a cost plus type contract, invoices
391 for all work must be submitted at the completion of the work and prior to release
392 of the Certificate of Occupancy.
 - 393 b. A detailed demolition plan that adequately shows the extent and percentage of
394 each component to be removed (as set forth the definition of Substantial
395 Demolition). Photographs of the existing structure shall accompany the
396 demolition plan. A demolition permit based upon this detailed plan shall be
397 required and demolition shall be completed prior to release of any permit to alter,
398 add to or otherwise improve an existing building. A site visit by the Building
399 Official may be required. When prorating percentages of system demolition types
400 use the following guide: where 50% of the area of any system demolition type
401 listed is to be removed, altered or modified, the entire system demolition type
402 percentage shall be used.
- 403 (7) State the valuation of the proposed work.
- 404 (8) Be signed by the applicant or the applicant's authorized agent.
- 405 (9) Give such other data and information as required by the Floodplain Administrator.

406
407 **104.4 Validity of permit or approval.** The issuance of a floodplain development permit or
408 approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any
409 violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community.
410 The issuance of permits based on submitted applications, construction documents, and
411 information shall not prevent the Floodplain Administrator from requiring the correction of errors
412 and omissions.

413
414 **104.5 Expiration.** A floodplain development permit or approval shall become invalid unless the
415 work authorized by such permit is commenced within 180 days after its issuance, or if the work
416 authorized is suspended or abandoned for a period of 180 days after the work commences.
417 Extensions for periods of not more than 180 days each shall be requested in writing and
418 justifiable cause shall be demonstrated.

419
420 **104.6 Suspension or revocation.** The Floodplain Administrator is authorized to suspend or
421 revoke a floodplain development permit or approval if the permit was issued in error, on the
422 basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any
423 other ordinance, regulation or requirement of this community.

424 **104.7 Other permits required.** Floodplain development permits and building permits shall
425 include a condition that all other applicable state or federal permits be obtained before
426 commencement of the permitted development, including but not limited to the following:

- 427 (1) The Southwest Florida Water Management District; section 373.036, F.S.
- 428 (2) Florida Department of Health for onsite sewage treatment and disposal systems; section
429 381.0065, F.S. and Chapter 64E-6, F.A.C.

- 430 (3) Florida Department of Environmental Protection for construction, reconstruction,
431 changes, or physical activities for shore protection or other activities seaward of the
432 coastal construction control line; section 161.141, F.S.
- 433 (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal
434 Permit; section 161.055, F.S.
- 435 (5) Florida Department of Environmental Protection for activities that affect wetlands and
436 alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section
437 404 of the Clean Water Act.
- 438 (6) Federal permits and approvals.

439
440 **SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS**

441
442 **105.1 Information for development in flood hazard areas.** The site plan or construction
443 documents for any development subject to the requirements of this ordinance shall be in
444 duplicate, drawn to scale, and shall include along with other documents required for local
445 development permits, as applicable to the proposed development:

446 (1) A site plan based upon a survey of the type defined in Chapter 74 of the Code of
447 Ordinances with

- 448 a. Delineation of flood zone(s), base flood elevation(s), ground elevations,
449 and proposed building elevations provided on a FEMA Elevation
450 Certificate, as necessary for review of the proposed development.
- 451 b. Nature, location and dimensions of the proposed activity and proposed
452 structures, and locations of existing buildings and structures; in coastal
453 high hazard areas and Coastal A Zones, new buildings shall be located
454 landward of the erosion setback line.
- 455 c. Location, extent, amount, and proposed final grades of any filling,
456 grading, excavation, and drainage facilities.
 - 457 i. Where the placement of fill is proposed, the amount, type, and
458 source of fill material; compaction specifications; a description of
459 the intended purpose of the fill areas; and evidence that the
460 proposed fill areas are the minimum necessary to achieve the
461 intended purpose. Fill may not be placed without demonstrating
462 compliance with Chapter 102 Stormwater standards
- 463 d. Delineation of the Coastal Construction Control Line or notation that the
464 site is seaward of the coastal construction control line, if applicable.
- 465 e. Extent of any proposed alteration of sand dunes or mangrove stands,
466 provided such alteration is approved by the Florida Department of
467 Environmental Protection and local ordinance.

468
469 The Floodplain Administrator is authorized to waive the submission of site plans, construction
470 documents, and other data that are required by this ordinance but that are not required to be
471 prepared by a registered design professional if it is found that the nature of the proposed
472 development is such that the review of such submissions is not necessary to ascertain
473 compliance with this ordinance.

474 **105.2 Additional analyses and certifications.** For activities that propose to alter sand dunes
475 or mangrove stands in coastal high hazard areas (Zone V) and Coastal A Zones, an

476 engineering analysis signed and sealed by a Florida licensed engineer that demonstrates that
477 the proposed alteration will not increase the potential for flood damage shall be submitted with
478 the site plan and construction documents.

479
480 **105.3 Submission of additional data.** When additional hydrologic, hydraulic or other
481 engineering data, studies, and additional analyses are submitted to support an application, the
482 applicant has the right to seek a Letter of Map Change from FEMA to change the base flood
483 elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on
484 FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared
485 by a Florida licensed engineer in a format required by FEMA. Submittal requirements and
486 processing fees shall be the responsibility of the applicant.

487 488 **SECTION 106 INSPECTIONS**

489
490 **106.1 General.** Development for which a floodplain development permit or approval is required
491 shall be subject to physical inspection during construction to ascertain compliance with the
492 requirements of this ordinance.

493
494 **106.1.1 Development other than buildings and structures.** The Floodplain Administrator
495 shall inspect all development to determine compliance with the requirements of this ordinance
496 and the conditions of issued floodplain development permits or approvals.

497
498 **106.1.2 Buildings, structures and facilities exempt from the *Florida Building Code*.** The
499 Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida*
500 *Building Code* to determine compliance with the requirements of this ordinance and the
501 conditions of issued floodplain development permits or approvals.

502
503 **106.1.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*,
504 **lowest floor inspection.** Upon placement of the lowest floor, including basement, and prior to
505 further vertical construction, the owner of a building, structure or facility exempt from the *Florida*
506 *Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator the
507 certification of elevation of the lowest floor prepared and sealed by a Florida licensed
508 professional surveyor.**

509
510 **106.1.2.2 Buildings, structures and facilities exempt from the *Florida Building Code*, final
511 **inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit
512 to the Floodplain Administrator a final certification of elevation of the lowest floor or final
513 documentation of the height of the lowest floor above the highest adjacent grade; such
514 certifications and documentations shall be prepared as specified in Section 106.1.2.1 of this
515 ordinance.**

516
517 **106.1.3 Manufactured/Mobile homes.** The Floodplain Administrator shall inspect
518 Manufactured/Mobile homes that are installed or replaced in flood hazard areas to determine
519 compliance with the requirements of this ordinance and the conditions of the issued permit.
520 Upon placement of a Manufactured/Mobile home, certification of the elevation of the lowest floor
521 shall be submitted to the Floodplain Administrator

522 523 **SECTION 107 VARIANCES AND APPEALS**

524
525 **107.1 General.** The **City Commission** shall hear and decide on requests for appeals and
526 requests for variances from the strict application of this ordinance. Pursuant to section

527 553.73(5), F.S., the **City Commission** shall hear and decide on requests for appeals and
528 requests for variances from the strict application of the flood resistant construction requirements
529 of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building*
530 *Code, Building*.

531
532 **107.2 Procedures.**

- 533 (1) Application for variance. An applicant for a variance shall file an application on forms
534 supplied by the City. The applicant shall file with the application a letter or other
535 document addressing the factors set forth in this article as justification for the variance.
536 In addition, the applicant shall provide the information required for complete review and
537 final action on the application. The information may include surveys no more than six
538 months old, engineering calculations necessary to understand the scope of the request
539 and its impact on the surrounding properties, and such other information reasonably
540 needed to process the application. The city is authorized to promulgate rules intended to
541 facilitate the application process. The applicant shall have the burden of persuasion.
- 542 (2) Public notice and hearing for variance. Once the application for a variance is deemed
543 complete, a hearing before the City Commission shall be scheduled. The hearing shall
544 be noticed by posting the property subject to the variance application. The posted notice
545 shall be located facing the public right(s)-of-way adjoining the property. Additionally, a
546 notice shall be posted at city hall and at any other public place the city customarily posts
547 notices. This notice is deemed minimum notice and additional notice may be required
548 when necessary. The notice shall contain at a minimum the date, time, and place of the
549 hearing, a brief description of the requested variance, and how persons may get
550 additional information. Notice shall be posted a minimum of ten calendar days prior to
551 the hearing. The applicant shall be responsible for posting notice on the property.

552
553 **107.3 Limitations on authority to grant variances.**

- 554 (1) The City Commission shall base its decisions on variances on technical justifications
555 submitted by applicants, the considerations for issuance in Section 107.6 of this
556 ordinance, the conditions of issuance set forth in Section 107.7 of this ordinance, and
557 the comments and recommendations of the Floodplain Administrator and the Building
558 Official. The City Commission has the right to attach such conditions as it deems
559 necessary to further the purposes and objectives of this ordinance.
- 560 (2) Variances shall not be granted solely because the work giving rise to the request for
561 variance has commenced or has been completed. Variances shall not be granted to
562 relieve inconveniences associated with building in accordance with the established
563 codes and articles.
- 564 a. The City Commission's decision shall be final and any further appeal shall be to
565 the judicial system in accordance with the applicable court rules.

566
567 **107.4 Historic buildings.** A variance is authorized to be issued for the repair, improvement, or
568 rehabilitation of a historic building that is determined eligible for the exception to the flood
569 resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11
570 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation
571 will not preclude the building's continued designation as a historic building and the variance is
572 the minimum necessary to preserve the historic character and design of the building. If the
573 proposed work precludes the building's continued designation as a historic building, a variance
574 shall not be granted and the building and any repair, improvement, and rehabilitation shall be
575 subject to the requirements of the *Florida Building Code*.

576
577

578 **107.5 Functionally dependent uses.** A variance is authorized to be issued for the construction
579 or substantial improvement necessary for the conduct of a functionally dependent use, as
580 defined in this ordinance, provided the variance meets the requirements of Section 107.3.1, is
581 the minimum necessary considering the flood hazard, and all due consideration has been given
582 to use of methods and materials that minimize flood damage during occurrence of the base
583 flood.

584
585 **107.6 Considerations for issuance of variances.** In reviewing requests for variances, the
586 City Commission shall consider all technical evaluations, all relevant factors, all other applicable
587 provisions of the *Florida Building Code*, this ordinance, and the following:

- 588 (1) The danger that materials and debris may be swept onto other lands resulting in further
589 injury or damage;
- 590 (2) The danger to life and property due to flooding or erosion damage;
- 591 (3) The susceptibility of the proposed development, including contents, to flood damage and
592 the effect of such damage on current and future owners;
- 593 (4) The importance of the services provided by the proposed development to the
594 community;
- 595 (5) The availability of alternate locations for the proposed development that are subject to
596 lower risk of flooding or erosion;
- 597 (6) The compatibility of the proposed development with existing and anticipated
598 development;
- 599 (7) The relationship of the proposed development to the comprehensive plan and floodplain
600 management program for the area;
- 601 (8) The safety of access to the property in times of flooding for ordinary and emergency
602 vehicles;
- 603 (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport
604 of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- 605 (10) The costs of providing governmental services during and after flood conditions
606 including maintenance and repair of public utilities and facilities such as sewer, gas,
607 electrical and water systems, streets and bridges.

608
609 **107.7 Conditions for issuance of variances.** Variances shall be issued only upon:

- 610 (1) Submission by the applicant, of a showing of good and sufficient cause that the unique
611 characteristics of the size, configuration, or topography of the site limit compliance with
612 any provision of this ordinance or the required elevation standards;
- 613 (2) Determination by the City Commission that:
 - 614 (a) Failure to grant the variance would result in exceptional hardship due to the
615 physical characteristics of the land that render the lot undevelopable; increased
616 costs to satisfy the requirements or inconvenience do not constitute hardship;
 - 617 (b) The granting of a variance will not result in increased flood heights, additional
618 threats to public safety, extraordinary public expense, nor create nuisances,
619 cause fraud on or victimization of the public or conflict with existing local laws
620 and ordinances; and
 - 621 (c) The variance is the minimum necessary, considering the flood hazard, to afford

622 relief;

623 (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be
624 recorded in the Office of the Clerk of the Court in such a manner that it appears in the
625 chain of title of the affected parcel of land; a variance shall not be effective until
626 recording is completed; and

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

635

636 **107.8 Appeals and procedures for appeals.**

637 (1) Any aggrieved person may appeal a decision of the Floodplain Administrator
638 interpreting or administering this article. The appeal shall be submitted to city
639 commission. A request for appeal shall be filed with the city no later than 21
640 calendar days following the Floodplain Administrator's decision. A person shall
641 file the request for appeal with the city and shall describe with particularity the
642 Floodplain Administrator's decision and why the decision is in contravention with
643 this article.

644 (2) A hearing before the city commission shall be scheduled as soon as practical
645 following receipt of a complete request for appeal. The hearing shall be noticed
646 as if for a variance pursuant to subsection 82-94(e), above. The appeal shall be
647 based on the record presented to the Floodplain Administrator at time of the
648 original decision and no new information shall be presented to the commission, it
649 being the intent of this article that any new information discovered, created, or
650 presented, shall first be presented to the Floodplain Administrator with a request
651 for reconsideration of the original decision so that the Floodplain Administrator
652 may first determine whether the new information affects the original decision.

653 (3) The city commission shall hear the appeal request. Its decision on the appeal
654 shall be pursuant to the policies enumerated in section 82-33, above. The
655 Floodplain Administrator's decision shall be presumed correct unless overturned
656 by a majority of the commission. The person bringing the appeal shall have the
657 burden of persuading the commission that the Floodplain Administrator's decision
658 is incorrect. The city commission's decision shall be final and any further appeal
659 shall be to the judicial system in accordance with the applicable court rules.

660

661

662

663

SECTION 108 VIOLATIONS

664 **108.1 Violations.** Any development that is not within the scope of the *Florida Building Code* but
665 that is regulated by this ordinance that is performed without an issued permit, that is in conflict
666 with an issued permit, or that does not fully comply with this ordinance, shall be deemed a
667 violation of this ordinance. A building or structure without the documentation of elevation of the
668 lowest floor, other required design certifications, or other evidence of compliance required by
669 this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that
670 documentation is provided.

671

672 **108.2 Authority.** For development that is not within the scope of the *Florida Building Code* but
673 that is regulated by this ordinance and that is determined to be a violation, the Floodplain
674 Administrator is authorized to serve notices of violation or stop work orders to owners of the
675 property involved, to the owner’s agent, or to the person or persons performing the work.
676

677 **108.3 Unlawful continuance.** Any person who shall continue any work after having been
678 served with a notice of violation or a stop work order, except such work as that person is
679 directed to perform to remove or remedy a violation or unsafe condition, shall be subject to
680 penalties as prescribed by law. Any penalties assessed will be in accordance with section 2-46 et
681 seq. of City Code. Each day a violation continues shall be considered a separate infraction. It is
682 unlawful for any person to violate any order of the floodplain administrator or building official issued
683 pursuant to the authority granted in this chapter or to remove, mutilate or deface any notice or order
684 provided for herein. Any person who commits any violations of this section shall be subject to
685 enforcement action by the city and/or criminal prosecution if warranted. Nothing contained in this
686 section shall prevent the city from taking such other lawful action as is necessary to prevent or
687 remedy any violation

688 **108.4 Penalties for violation.**

689 Violation of the provisions of this article or failure to comply with any of its
690 requirements, including violation of conditions and safeguards established in connection with
691 grants of variance or special exceptions, shall be punishable for a noncriminal violation. Any
692 person who violates this article or fails to comply with any of its requirements shall, upon
693 adjudication therefore, be fined not more than \$500.00, and in addition, shall pay all costs
694 and expenses involved in the case. Each day that such violation continues shall be
695 considered a separate offense. Nothing herein contained shall prevent the floodplain
696 administrator from taking such other lawful actions as is necessary to prevent or remedy any
697 violation.

698 **CHAPTER 2 DEFINITIONS**

699 **SECTION 201 GENERAL**

700
701
702 **201.1 Scope.** Unless otherwise expressly stated, the following words and terms shall, for the
703 purposes of this ordinance, have the meanings shown in this section.
704

705 **201.2 Terms defined in the *Florida Building Code*.** Where terms are not defined in this
706 ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings
707 ascribed to them in that code.
708

709 **201.3 Terms not defined.** Where terms are not defined in this ordinance or the *Florida Building*
710 *Code*, such terms shall have ordinarily accepted meanings such as the context implies.
711

712
713
714 **SECTION 202 DEFINITIONS**

715 **Accessory structure (Appurtenant structure)** A structure that is allowed by City Zoning Code
716 to be located on the same parcel of property as the principal structure and the use of which is
717 incidental to the use of the principal structure. Accessory structures should constitute a minimal
718 investment, may not be used for human habitation, and be designed to have minimal flood
719 damage potential.
720

721 **Aggrieved party.** Any person or local government that will suffer an adverse effect to an
722 interest protected or furthered by this article, including interests related to health and safety of
723 persons and property. The alleged adverse interest may be shared in common with other
724 members of the community at large but must exceed in degree the general interest in
725 community good shared by all persons. The term includes the owner, developer, or applicant for
726 a development order.

727
728 **Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision
729 of this ordinance or a request for a variance.

730
731 **ASCE 24.** A standard titled *Flood Resistant Design and Construction* that is referenced by the
732 *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil
733 Engineers, Reston, VA.

734
735 **Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given
736 year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the
737 "100-year flood" or the "1-percent-annual chance flood."

738
739 **Base flood elevation.** The elevation of the base flood, including wave height, relative to the
740 National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other
741 datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section
742 1612.2.]

743
744 **Basement.** The portion of a building having its floor subgrade (below ground level) on all sides.
745 [Also defined in FBC, B, Section 1612.2.] See FEMA Technical Bulletin 4 for treatment of
746 elevator pits.

747
748 **Coastal construction control line.** The line established by the State of Florida pursuant to
749 section 161.053, F.S., and recorded in the official records of the community, which defines that
750 portion of the beach-dune system subject to severe fluctuations based on a 100-year storm
751 surge, storm waves or other predictable weather conditions.

752
753 **Coastal high hazard area.** A special flood hazard area extending from offshore to the inland
754 limit of a primary frontal dune along an open coast and any other area subject to high velocity
755 wave action from storms or seismic sources and designated on the FIRM as Zone VE. [Note:
756 The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action"
757 and the FBC, R uses the term "coastal high hazard areas."

758
759 **Coastal A Zone.** In the City of Anna Maria, special flood hazard areas designated on the FIRM
760 as Zone AE. These areas are subject to wave action and erosion.

761
762 **Critical Facility.** Hospitals, nursing homes, medical services facilities, convalescent and
763 assisted living facilities; police stations, fire stations, storage of critical records; government
764 buildings and law enforcement offices; evacuation shelters and emergency operation centers
765 that are needed for flood response activities before, during, or after a flood; and public and
766 private utility (water and wastewater) facilities that are vital to maintaining or restoring normal
767 services to flooded areas before, during, and after a flood; radio/cellular/TV towers; schools and
768 universities; landfills; and structures or facilities that produce, use, or store highly volatile,
769 flammable, explosive, toxic and/or water-reactive materials. The term includes facilities that are
770 assigned Risk Category III and Risk Category IV pursuant to the *Florida Building Code*,
771 *Building*.

772

773 **Declaration of Land Restriction (Non-conversion Agreement).** A form provided by the
774 Floodplain Administrator to be signed by the owner and recorded on the property deed in
775 Official Records of the Clerk of Courts, for the owner to agree not to convert or modify in any
776 manner that is inconsistent with the terms of the building permit and these regulations,
777 enclosures below elevated dwellings.

778

779 **Design flood.** The flood associated with the greater of the following two areas: [Also defined in
780 FBC, B, Section 1612.2.]

781 (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

782 (2) Area designated as a flood hazard area on the community's flood hazard map, or
783 otherwise legally designated.

784

785 **Design flood elevation.** The elevation of the "design flood," including wave height, relative to
786 the datum specified on the community's legally designated flood hazard map. In areas
787 designated as Zone AO, the design flood elevation shall be the elevation of the highest existing
788 grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard
789 map. In areas designated as Zone AO where the depth number is not specified on the map, the
790 depth number shall be taken as being equal to 2 feet.

791

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

796

797 **Existing building and existing structure.** Any buildings and structures for which the "start of
798 construction" commenced before June 11th 1971 [Also defined in FBC, B, Section 1612.2.]

799

800 **Existing Manufactured/Mobile home park or subdivision.** A Manufactured/Mobile home
801 park or subdivision for which the construction of facilities for servicing the lots on which the
802 Manufactured/Mobile homes are to be affixed (including, at a minimum, the installation of
803 utilities, the construction of streets, and either final site grading or the pouring of concrete pads)
804 was completed before June 11th 1971

805

806 **Expansion to an existing Manufactured/Mobile home park or subdivision.** The
807 preparation of additional sites by the construction of facilities for servicing the lots on which the
808 Manufactured/Mobile homes are to be affixed (including the installation of utilities, the
809 construction of streets, and either final site grading or the pouring of concrete pads).

810

811 **Erosion setback line.** A line 50 feet from the mean high tide line of the waters of the Gulf of
812 Mexico

813

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

816

817 **Flood or flooding.** A general and temporary condition of partial or complete inundation of
818 normally dry land from: [Also defined in FBC, B, Section 1612.2.]

819

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

821 **Flood damage-resistant materials.** Any construction material capable of withstanding direct
822 and prolonged contact with floodwaters without sustaining any damage that requires more than
823 cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

824
825 **Flood hazard area.** The greater of the following two areas: [Also defined in FBC, B, Section
826 1612.2.]

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

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

831
832 **Flood Insurance Rate Map (FIRM).** The official map of the community on which the Federal
833 Emergency Management Agency has delineated both special flood hazard areas and the risk
834 premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

835
836 **Flood Insurance Study (FIS).** The official report provided by the Federal Emergency
837 Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and
838 Floodway Map (if applicable), the water surface elevations of the base flood, and supporting
839 technical data. [Also defined in FBC, B, Section 1612.2.]

840
841 **Floodplain Administrator.** The office or position designated and charged with the
842 administration and enforcement of this ordinance (may be referred to as the Floodplain
843 Manager).

844
845 **Floodplain development permit or approval.** An official document or certificate issued by the
846 community, or other evidence of approval or concurrence, which authorizes performance of
847 specific development activities that are located in flood hazard areas and that are determined to
848 be compliant with this ordinance.

849
850 **Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas
851 that must be reserved in order to discharge the base flood without cumulatively increasing the
852 water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

853
854 **Florida Building Code.** The family of codes adopted by the Florida Building Commission,
855 including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building*
856 *Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*;
857 *Florida Building Code, Fuel Gas*.

858
859 **Functionally dependent use.** A use which cannot perform its intended purpose unless it is
860 located or carried out in close proximity to water, including only docking facilities, port facilities
861 that are necessary for the loading and unloading of cargo or passengers, and ship building and
862 ship repair facilities; the term does not include long-term storage or related manufacturing
863 facilities.

864
865 **Highest adjacent grade.** The highest natural elevation of the ground surface prior to
866 construction next to the proposed walls or foundation of a structure.

867
868 **Historic structure.** Any structure that is determined eligible for the exception to the flood
869 hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic
870 Buildings.

871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921

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

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

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

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

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

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

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

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

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

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable

922 knowledge of relevant facts. As used in this ordinance, the term refers to the market value of
923 buildings and structures, excluding the land and other improvements on the parcel. Market
924 value may be established by a qualified independent appraiser, Actual Cash Value
925 (replacement cost depreciated for age and quality of construction), or tax assessment value
926 adjusted to approximate market value by a factor provided by the Property Appraiser.
927

928 **New construction.** For the purposes of administration of this ordinance and the flood resistant
929 construction requirements of the *Florida Building Code*, structures for which the “start of
930 construction” commenced on or after June 11th, 1971 and includes any subsequent
931 improvements to such structures.
932

933 **New Manufactured/Mobile home park or subdivision.** A Manufactured/Mobile home park
934 or subdivision for which the construction of facilities for servicing the lots on which the
935 Manufactured/Mobile homes are to be affixed (including at a minimum, the installation of
936 utilities, the construction of streets, and either final site grading or the pouring of concrete pads)
937 is completed on or after June 11th, 1971.
938

939 **Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and
940 which is built on a single chassis and is designed to provide seasonal or temporary living
941 quarters when connected to utilities necessary for operation of installed fixtures and appliances.
942 [Defined in 320.01, F.S.]
943

944 **Recreational vehicle.** A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

- 945 (1) Built on a single chassis;
946 (2) Four hundred (400) square feet or less when measured at the largest horizontal
947 projection;
948 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
949 (4) Designed primarily not for use as a permanent dwelling but as temporary living
950 quarters for recreational, camping, travel, or seasonal use.
951

952 **Sand dunes.** Naturally occurring accumulations of sand in ridges or mounds landward of the
953 beach.
954

955 **Special flood hazard area.** An area in the floodplain subject to a 1 percent or greater chance of
956 flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO,
957 A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]
958

959 **Start of construction.** The date of issuance for new construction and substantial improvements
960 to existing structures, provided the actual start of construction, repair, reconstruction,
961 rehabilitation, addition, placement, or other improvement is within 180 days of the date of the
962 issuance. The actual start of construction means either the first placement of permanent
963 construction of a building (including a Manufactured/Mobile home) on a site, such as the
964 pouring of slab or footings, the installation of piles, the construction of columns.
965 Permanent construction does not include land preparation (such as clearing, grading, or filling),
966 the installation of streets or walkways, excavation for a basement, footings, piers, or
967 foundations, the erection of temporary forms or the installation of accessory buildings such as
968 garages or sheds not occupied as dwelling units or not part of the main buildings. For a
969 substantial improvement, the actual “start of construction” means the first alteration of any wall,
970 ceiling, floor or other structural part of a building, whether or not that alteration affects the

971 external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

972
973 **Substantial damage.** Damage of any origin sustained by a building or structure whereby the
974 cost of restoring the building or structure to its before-damaged condition would equal or exceed
975 50 percent of the market value of the building or structure before the damage occurred. The
976 term also includes flood-related damage sustained by a structure on two separate occasions
977 during a 10-year period for which the cost of repairs at the time of each such flood event, on
978 average, equals or exceeds 25 percent of the market value of the structure before damage
979 occurred. [Also defined in FBC, B Section 1612.2.]

980
981 **Substantial demolition.** For floodplain management purposes means the demolition of fifty
982 (50) percent or more of the aggregate components of a building creating a non-viable structure
983 and triggering a substantial improvement. Each component may be prorated; the components
984 are given the value of:

- 985 Thirty (30) percent for the roof system in square feet
- 986 Thirty (30) percent for the foundation in linear feet
- 987 Thirty (30) percent for the exterior perimeter walls in linear feet
- 988 Ten (10) percent for windows and doors
- 989 Ten (10) percent for non-bearing interior partitions in linear feet
- 990 Ten (10) percent for bearing interior partitions in linear feet
- 991 Thirty (30) percent total for utility systems broken out as
 - 992 • mechanical, (10%)
 - 993 • electrical (10%) including low voltage and
 - 994 • plumbing (10%)

995 Ten (10) percent for built in features such as appliances, bookshelves, etc.

996 Five (5) percent for attached extensions such as decks or carports

997
998 **Substantial improvement.** Any combination of repair, reconstruction, rehabilitation, addition,
999 demolition, or other improvement of a building or structure taking place during a 1-year period,
1000 the cumulative cost of which equals or exceeds 50 percent of the market value of the building or
1001 structure before the improvement or repair is started. For each building or structure, the 1-year
1002 period begins on the date of issuance of the Certificate of Completion or the Certificate of
1003 Occupancy of the first improvement or repair of that building or structure subsequent to
1004 September 24, 2009. If substantial demolition is proposed, the structure shall be considered
1005 substantially improved. If the structure has incurred "substantial damage," any repairs are
1006 considered substantial improvement regardless of the actual repair work performed. The term
1007 does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1008 (1) Any project for improvement of a building required to correct existing health, sanitary, or
1009 safety code violations identified by the building official and that are the minimum
1010 necessary to assure safe living conditions.

1011 (2) Any alteration of a historic structure provided the alteration will not preclude the
1012 structure's continued designation as a historic structure.

1013
1014 **Variance.** A grant of relief from the requirements of this ordinance, or the flood resistant
1015 construction requirements of the *Florida Building Code*, which permits construction in a manner
1016 that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

1017
1018 **Watercourse.** A river, creek, stream, channel or other topographic feature in, on, though, or
1019 over which water flows at least periodically.

1020

1021 **Water surface elevation.** The height, in relation to the National Geodetic Vertical Datum
1022 (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various
1023 magnitudes and frequencies in the floodplains of coastal or riverine areas.

1024

1025 **CHAPTER 3 FLOOD RESISTANT DEVELOPMENT**

1026

1027 **SECTION 301 BUILDINGS AND STRUCTURES**

1028

1029 **301.1 Design and construction of buildings, structures and facilities exempt from the**
1030 ***Florida Building Code.*** Pursuant to Section 104.2.1 of this ordinance, buildings, structures, and
1031 facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair
1032 of substantial damage of such buildings, structures and facilities, shall be designed and constructed
1033 in accordance with the flood load and flood resistant construction requirements of ASCE 24.
1034 Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall
1035 comply with the requirements of Section 307 of this ordinance.

1036

1037 **301.2 Buildings and structures seaward of the coastal construction control line.** If
1038 extending, in whole or in part, seaward of the coastal construction control line and also located,
1039 in whole or in part, in a flood hazard area:

1040 (1) Buildings and structures shall be designed and constructed to comply with the more
1041 restrictive applicable requirements of the *Florida Building Code, Building* Section 3109
1042 and Section 1612 or *Florida Building Code, Residential* Section R322.

1043 (2) Minor structures and non-habitable major structures as defined in section 161.54, F.S.,
1044 shall be designed and constructed to comply with the intent and applicable provisions of
1045 this ordinance and ASCE 24.

1046

1047 **301.3. Critical Facilities.** Construction of new and substantially improved critical facilities shall
1048 be located outside the limits of the special flood hazard area. Construction of new critical
1049 facilities shall be permissible within the special flood hazard area if no feasible alternative site is
1050 available. If permitted, critical facilities shall be designed in accordance with the City of Anna
1051 Maria's local technical amendment to the Florida Building Code, Building, which requires
1052 elevation or protection to or above the base flood elevation plus three (3) feet or the 500-year
1053 (0.2 percent chance) flood elevation, whichever is higher. Flood proofing and sealing measures
1054 must be implemented to ensure that toxic substances will not be displaced by or released into
1055 floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all
1056 critical facilities to the maximum extent possible. Critical facilities shall be designed to remain
1057 operable during such an event.

1058

1059

1060 **SECTION 302 SUBDIVISIONS**

1061

1062 **302.1 Minimum requirements.** Subdivision proposals, including proposals for
Manufactured/Mobile home parks and subdivisions, shall be reviewed to determine that:

1063 (1) Such proposals are consistent with the need to minimize flood damage and will be
1064 reasonably safe from flooding;

1065 (2) All public utilities and facilities such as sewer, gas, electric, communications, and water
1066 systems are located and constructed to minimize or eliminate flood damage; and

1067 (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and
1068 AO, adequate drainage paths shall be provided to guide floodwaters around and away

1069 from proposed structures.

1070

1071 **302.2 Subdivision plats.** Where any portion of proposed subdivisions, including
1072 Manufactured/Mobile home parks and subdivisions, lies within a flood hazard area, the following
1073 shall be required:

1074 (1) Delineation of flood hazard areas, flood zones, and design flood elevations, as
1075 appropriate, shall be shown on preliminary plats; and

1076 (2) Compliance with the site improvement and utilities requirements of Section 303 of this
1077 ordinance.

1078

1079 **SECTION 303 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**

1080

1081 **303.1 Minimum requirements.** All proposed new development shall be reviewed to determine
1082 that:

1083 (1) Such proposals are consistent with the need to minimize flood damage and will be
1084 reasonably safe from flooding;

1085 (2) All public utilities and facilities such as sewer, gas, electric, communications, and water
1086 systems are located and constructed to minimize or eliminate flood damage; and

1087 (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and
1088 AO, adequate drainage paths shall be provided to guide floodwaters around and away
1089 from proposed structures.

1090

1091 **303.2 Sanitary sewage facilities.** All new and replacement sanitary sewage facilities, private
1092 sewage treatment plants (including all pumping stations and collector systems), and on-site
1093 waste disposal systems shall be designed in accordance with the standards for onsite sewage
1094 treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize
1095 or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood
1096 waters, and impairment of the facilities and systems.

1097

1098 **303.3 Water supply facilities.** All new and replacement water supply facilities shall be
1099 designed in accordance with the water well construction standards in Chapter 62-532.500,
1100 F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the
1101 systems.

1102

1103 **303.4 Limitations on placement of fill.** Subject to the limitations of this ordinance, fill shall be
1104 designed to be stable under conditions of flooding including rapid rise and rapid drawdown of
1105 floodwaters, prolonged inundation, and protection against flood-related erosion and scour

1106 **303.5 Limitations on sites in coastal high hazard areas (Zone V) and Coastal A Zones.** In
1107 coastal high hazard areas (Zone V) and Coastal A Zones, alteration of sand dunes and
1108 mangrove stands shall be permitted only if such alteration is approved by the Florida
1109 Department of Environmental Protection and only if the engineering analysis required by
1110 Section 105.3(4) of this ordinance demonstrates that the proposed alteration will not increase
1111 the potential for flood damage. Construction or restoration of dunes under or around elevated
1112 buildings and structures shall comply with Section 307.8(3) of this ordinance.

1113

1114

1115

1116

1117 **SECTION 304 MANUFACTURED/MOBILE HOMES**

1118
1119 **304.1 General.** All Manufactured/Mobile /mobile homes installed in flood hazard areas shall be
1120 installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with
1121 the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located
1122 seaward of the coastal construction control line, all Manufactured/Mobile homes shall comply
1123 with the more restrictive of the applicable requirements.

1124
1125 **304.1.1 Limitations on installation in coastal high hazard areas (Zone V).** New installations
1126 of manufactured homes shall not be permitted in coastal high hazard areas (Zone V).

1127
1128 **304.2 Foundations.** All new manufactured home and replacement manufactured homes
1129 installed in flood hazard areas shall be installed on permanent, reinforced foundations that are
1130 designed in accordance with the foundation requirements of the *Florida Building Code,*
1131 *Residential* Section R322.3 and this ordinance.

1132
1133 **304.3 Anchoring.** All new Manufactured/Mobile /mobile homes and replacement
1134 Manufactured/Mobile homes shall be installed using methods and practices which minimize
1135 flood damage and shall be securely anchored to an adequately anchored foundation system to
1136 resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited
1137 to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition
1138 to applicable state and local anchoring requirements for wind resistance.

1139
1140 **304.4 Elevation.** Manufactured/Mobile /mobile homes that are placed, replaced, or substantially
1141 improved shall comply with Section 304.4.1 or 304.4.2 of this ordinance, as applicable.

1142
1143 **304.4.1 General elevation requirement.** Unless subject to the requirements of Section 304.4.2
1144 of this ordinance, all Manufactured/Mobile homes that are placed, replaced, or substantially
1145 improved on sites located: (a) outside of a Manufactured/Mobile /mobile home park or
1146 subdivision; (b) in a new Manufactured/Mobile /mobile home park or subdivision; (c) in an
1147 expansion to an existing Manufactured/Mobile /mobile home park or subdivision; or (d) in an
1148 existing Manufactured/Mobile /mobile home park or subdivision upon which a
1149 Manufactured/Mobile home has incurred "substantial damage" as the result of a flood, shall be
1150 elevated such that the bottom of the frame is at or above the elevation required, as applicable to
1151 the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or
1152 Section R322.3 (Zone V).

1153
1154 **304.4.2 Elevation requirement for certain existing Manufactured/Mobile /mobile home**
1155 **parks and subdivisions.** Manufactured/Mobile homes that are not subject to Section 304.4.1
1156 of this ordinance, including Manufactured/Mobile homes that are placed, replaced, or
1157 substantially improved on sites located in an existing Manufactured/Mobile home park or
1158 subdivision, unless on a site where substantial damage as result of flooding has occurred, shall
1159 be elevated such that either the:

1160 (1) Bottom of the frame of the Manufactured/Mobile /mobile home is at or above the
1161 elevation required, as applicable to the flood hazard area, in the *Florida Building Code,*
1162 *Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or

1163 (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at
1164 least equivalent strength that are not less than 36 inches in height above grade.

1167 **304.5 Enclosures.** Enclosed areas below elevated Manufactured/Mobile /mobile homes shall
1168 comply with the requirements of the *Florida Building Code, Residential* Section R322 for such
1169 enclosed areas, as applicable to the flood hazard area.
1170

1171 **304.6 Utility equipment.** Utility equipment that serves Manufactured/Mobile /mobile homes,
1172 including electric, heating, ventilation, plumbing, and air conditioning equipment and other
1173 service facilities, shall comply with the requirements of the *Florida Building Code, Residential*
1174 Section R322, as applicable to the flood hazard area.
1175

1176 SECTION 305 RECREATIONAL VEHICLES AND PARK TRAILERS

1177
1178 **305.1 Temporary placement.** Recreational vehicles and park trailers placed temporarily in
1179 flood hazard areas shall:

- 1180 (1) Be on the site for fewer than 180 consecutive days; or
1181 (2) Be fully licensed and ready for highway use, which means the recreational vehicle or
1182 park model is on wheels or jacking system, is attached to the site only by quick-
1183 disconnect type utilities and security devices, and has no permanent attachments such
1184 as additions, rooms, stairs, decks and porches.
1185

1186 **305.2 Permanent placement.** Recreational vehicles and park trailers that do not meet the
1187 limitations in Section 305.1 of this ordinance for temporary placement shall meet the
1188 requirements of Section 304 of this ordinance for Manufactured/Mobile homes.
1189

1190 SECTION 306 TANKS

1191
1192 **306.1 Underground tanks.** Underground tanks in flood hazard areas shall be anchored to
1193 prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic
1194 loads during conditions of the design flood, including the effects of buoyancy assuming the tank
1195 is empty.

1196 **306.2 Above-ground tanks not elevated.** Above-ground tanks that do not meet the elevation
1197 requirements of Section 306.3 of this ordinance shall:

- 1198 (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas,
1199 provided the tanks are anchored or otherwise designed and constructed to prevent
1200 flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic
1201 loads during conditions of the design flood, including the effects of buoyancy assuming
1202 the tank is empty and the effects of flood-borne debris.

- 1203 (2) Not be permitted in coastal high hazard areas (Zone V) or Coastal A Zones.
1204

1205 **306.3 Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be
1206 attached to an elevated to or above the design flood elevation on a supporting structure that is
1207 designed to prevent flotation, collapse or lateral movement during conditions of the design flood.
1208 Tank-supporting structures shall meet the foundation requirements of the applicable flood
1209 hazard area.

1210 **306.4 Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

- 1211 (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow
1212 of floodwater or outflow of the contents of the tanks during conditions of the design flood;
1213 and

- 1214 (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic

1215 loads, including the effects of buoyancy, during conditions of the design flood.

1216

1217

SECTION 307 OTHER DEVELOPMENT

1218

1219

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

1220

1221

1222

(1) Be located and constructed to minimize flood damage;

1223

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

1224

1225

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

1226

(4) 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.

1227

1228

1229

1230

1231

307.2 Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V) and Coastal A Zones. In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1232

1233

1234

1235

1236

1237

(1) Structurally independent of the foundation system of the building or structure;

1238

(2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

1239

1240

(3) Have a maximum slab thickness of not more than four (4) inches.

1241

1242

307.3 Decks and patios in coastal high hazard areas (Zone V) and Coastal A Zones. In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas and Coastal A Zones decks and patios shall be located, designed, and constructed in compliance with the following:

1243

1244

1245

1246

(1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

1247

1248

1249

1250

1251

(2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

1252

1253

1254

1255

1256

1257

(3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings

1258

1259

1260

1261

1262 and structures.

1263 (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at
1264 natural grade or on nonstructural fill material that is similar to and compatible with local
1265 soils and is the minimum amount necessary for site drainage may be approved without
1266 requiring analysis of the impact on diversion of floodwaters or wave runup and wave
1267 reflection.

1268
1269 **307.4 Other development in coastal high hazard areas (Zone V) and Coastal A Zones.** In
1270 coastal high hazard areas (Zone V) and Coastal A Zones, development activities other than
1271 buildings and structures shall be permitted only if also authorized by the appropriate federal,
1272 state or local authority; if located outside the footprint of, and not structurally attached to,
1273 buildings and structures; and if analyses prepared by qualified registered design professionals
1274 demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would
1275 increase damage to adjacent buildings and structures. Such other development activities
1276 include but are not limited to:

1277 (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

1278 (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed
1279 and constructed to fail under flood conditions less than the design flood or otherwise
1280 function to avoid obstruction of floodwaters; and

1281 (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled
1282 systems or mound systems.

1283 **307.5 Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones.** Minor
1284 grading and the placement of minor quantities of nonstructural fill shall be permitted for
1285 landscaping and for drainage purposes under and around buildings in accordance with City of
1286 Anna Maria code of ordinances Chapter 102 Stormwater.

1287 (1) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units
1288 horizontal shall be permitted only if an analysis prepared by a qualified registered design
1289 professional demonstrates no harmful diversion of floodwaters or wave run-up and wave
1290 reflection that would increase damage to adjacent buildings and structures.

1291 (2) Where authorized by the Florida Department of Environmental Protection Bureau Of
1292 Beaches And Coastal Systems or in accordance with adopted ordinances and policies of
1293 the City of Anna Maria, sand dune construction and restoration of sand dunes under or
1294 around elevated buildings are permitted without additional engineering analysis or
1295 certification of the diversion of floodwater or wave run-up and wave reflection if the scale
1296 and location of the dune work is consistent with local beach-dune morphology and the
1297 vertical clearance is maintained between the top of the sand dune and the lowest
1298 horizontal structural member of the building.

1299
1300 **SECTION 4. The *Florida Building Code, Building* is hereby amended by the following**
1301 **administrative amendments.**

1302
1303 Modify Section 107.3.5 as follows:

1304
1305 **107.3.5 Minimum plan review criteria for buildings.**

1306 **Commercial Buildings: Building**

1307 8. Structural requirements shall include:

1308 Flood requirements in accordance with Section 1612, including lowest floor

1309 elevations on a FEMA Elevation Certificate, enclosures, declaration of land
1310 restriction (non-conversion agreement), flood damage-resistant materials.

1311
1312 **Residential (one- and two-family)**

1313 6. Structural requirements shall include:
1314 Flood hazard areas, flood zones, design flood elevations, lowest floor elevations
1315 on a FEMA Elevation Certificate, enclosures, declaration of land restriction (non-
1316 conversion agreement), equipment, and flood damage-resistant materials.

1317
1318 Add a new Sec. as follows:

1319
1320 **107.6.1 Building permits issued on the basis of an affidavit.** Pursuant to the
1321 requirements of federal regulation for participation in the National Flood Insurance
1322 Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to
1323 issue permits, to rely on inspections, and to accept plans and construction documents on
1324 the basis of affidavits and plans submitted pursuant to Section 105.14 and Section
1325 107.6, shall not extend to the flood load and flood resistance construction requirements
1326 of the Florida Building Code.

1327
1328 Add a new Sec. 117 as follows:

1329
1330 **117 VARIANCES IN FLOOD HAZARD AREAS**

1331 **117.1 Flood hazard areas.** Pursuant to section 553.73(5), F.S., the variance
1332 procedures adopted in the local floodplain management ordinance shall apply to
1333 requests submitted to the Building Official for variances to the provisions of Section
1334 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of
1335 the Florida Building Code, Residential. This section shall not apply to Section 3109 of
1336 the Florida Building Code, Building.

1337
1338 **SECTION 5. The Florida Building Code, Building, is hereby amended by the following**
1339 **technical amendments.**

1340
1341 Section 1603.1.6, Florida Building Code, Building: modify a section as follows:

1342
1343 **1603.1.6 Geotechnical information.**

1344 The design load-bearing values of soils shall be shown on the construction documents.
1345 Geotechnical Soil Reports based on a minimum of four 20 foot depth borings are
1346 required for new construction.

1347
1348 Section 1612.2, Florida Building Code, Building: modify and add definitions as follows:

1349
1350 **Substantial damage.** Damage of any origin sustained by a building or structure
1351 whereby the cost of restoring the building or structure to its before-damaged condition
1352 would equal or exceed 50 percent of the market value of the building or structure before
1353 the damage occurred. The term also includes flood-related damage sustained by a
1354 structure on two separate occasions during a 10-year period for which the cost of repairs
1355 at the time of each such flood event, on average, equals or exceeds 25 percent of the
1356 market value of the structure before damage occurred.

1357
1358 **Substantial demolition** for floodplain management purposes means the demolition of
1359 fifty (50) percent or more of the aggregate components of a building creating a non-

1360 viable structure and triggering a substantial improvement. Each component may be
1361 prorated; the components are given the value of:
1362 Thirty (30) percent for the roof system in square feet
1363 Thirty (30) percent for the foundation in linear feet
1364 Thirty (30) percent for the exterior perimeter walls in linear feet
1365 Ten (10) percent for windows and doors
1366 Ten (10) percent for non-bearing interior partitions in linear feet
1367 Ten (10) percent for bearing interior partitions in linear feet
1368 Thirty (30) percent total for utility systems broken out as
1369

- mechanical, (10%)
- electrical (10%) including low voltage and
- plumbing (10%)

1370
1371
1372 Ten (10) percent for built in features such as appliances, bookshelves, etc.
1373 Five (5) percent for attached extensions such as decks or carports
1374

1375 **Substantial improvement.** Any combination of repair, reconstruction, rehabilitation,
1376 addition, demolition, or other improvement of a building or structure taking place during a
1377 1-year period, the cumulative cost of which equals or exceeds 50 percent of the market
1378 value of the building or structure before the improvement or repair is started. For each
1379 building or structure, the 1-year period begins on the date of issuance of the Certificate
1380 of Completion or the Certificate of Occupancy of the first improvement or repair of that
1381 building or structure subsequent to September 24, 2009. If substantial demolition is
1382 proposed, the structure shall be considered substantially improved. If the structure has
1383 incurred "substantial damage," any repairs are considered substantial improvement
1384 regardless of the actual repair work performed. The term does not, however, include
1385 either:

- 1386 (1) Any project for improvement of a building required to correct existing health,
1387 sanitary, or safety code violations identified by the building official and that are
1388 the minimum necessary to assure safe living conditions.
- 1389 (2) Any alteration of a historic structure provided the alteration will not preclude the
1390 structure's continued designation as a historic structure.
1391

1392 Section 1612.4, Florida Building Code, Building: add new sections as follows:
1393

1394 **1612.4.1 Elevation requirements.** The minimum elevation requirements shall be as
1395 specified in ASCE 24 or the base flood elevation plus 2 feet or 12 feet NAVD, whichever
1396 is higher.
1397

1398 **1612.4.2 Critical facilities.** In addition to the requirements of ASCE 24 and the local
1399 floodplain management ordinance, the minimum elevation requirements for critical
1400 facilities, as defined in the local floodplain management ordinance including Category III
1401 and Category IV buildings, shall be at or above the higher of the elevation specified in
1402 ASCE 24, the base flood elevation plus 3 feet, or the 500-year (0.2 percent) flood
1403 elevation.
1404

1405 **SECTION 6. The Florida Building Code, Residential is hereby amended by the following**
1406 **technical amendments.**

1407
1408 Modify Sec. R322.2 as follows:
1409

1410 **R322.2 Flood hazard areas (including A Zones).** All areas that have been determined
1411 to be prone to flooding but not subject to high velocity wave action shall be designated
1412 as flood hazard areas. Flood hazard areas that have been delineated as subject to wave
1413 heights between 1 ½ feet (457 mm) and 3 feet (914 mm). In the City of Anna Maria,
1414 Zone AE flood hazard areas shall be designated as Coastal A Zones. All buildings and
1415 structures constructed in whole or in part in flood hazard areas shall be designed and
1416 constructed in accordance with Sections R322.2.1 through R322.2.3.

1417
1418 **R322.2.1 Coastal A Zones.** Buildings and structures in flood hazard areas designated
1419 as Coastal A Zones shall be designed and constructed in accordance with Section
1420 R322.3.

1421
1422 **R322.2.2 Elevation requirements.**

1423 1. Buildings and structures in flood hazard areas not designated as Coastal A Zones
1424 shall have the lowest floors elevated to or above the design flood.
1425 ~~2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall~~
1426 ~~have the lowest floors elevated to or above the base flood elevation.~~
1427 ~~2. 3.~~ In areas of shallow flooding (AO Zones), buildings and structures shall have the
1428 lowest floor (including basement) elevated at least as high above the highest adjacent
1429 grade as the depth number specified in feet on the FIRM, or at least 2 feet (610 mm) if a
1430 depth number is not specified.

1431 ~~3. 4.~~ Basement floors that are below grade on all sides shall be elevated to or above the
1432 design flood elevation.

1433 **Exception:** Enclosed areas below the design flood elevation, including basements
1434 whose floors are not below grade on all sides, shall meet the requirements of Section
1435 R322.2.2.

1436
1437 Modify Sec. R322.3 as follows:

1438
1439 **R322.3.2 Elevation requirements.**

1440 1. All buildings and structures erected within coastal high-hazard areas shall be
1441 elevated so that the lowest portion of all structural members supporting the
1442 lowest floor, with the exception of mat or raft foundations, piling, pile caps,
1443 columns, grade beams and bracing, is:

1444 1.1 Located at or above the design flood elevation plus 2 feet or the design
1445 flood elevation, or 12 feet NAVD, whichever is higher, if the lowest
1446 horizontal structural member is oriented parallel to the direction of wave
1447 approach, where parallel shall mean less than or equal to 20 degrees
1448 (0.35 rad) from the direction of approach, or

1449 1.2 Located at the base flood elevation plus 2 feet, or the design flood
1450 elevation, or 12 feet NAVD, whichever is higher, if the lowest horizontal
1451 structural member is oriented perpendicular to the direction of wave
1452 approach, where perpendicular shall mean greater than 20 degrees
1453 (0.35 rad) from the direction of approach.

1454 2. Basement floors that are below grade on all sides are prohibited.

1455 3. The use of fill for structural support is prohibited.

1456 4. Minor grading, and the placement of minor quantities of fill, shall be permitted
1457 for landscaping and for drainage purposes under and around buildings and for
1458 support of parking slabs, pool decks, patios and walkways.

1459 **Exception:** Walls and partitions enclosing areas below the design flood elevation
1460 shall meet the requirements of Sections R322.3.4 and R322.3.5.

1461 **R322.3.4 Walls below design flood elevation.** Walls and partitions are permitted below
1462 the elevated floor, provided that such walls and partitions are not part of the structural
1463 support of the building or structure and:

- 1464 1. Electrical, mechanical, and plumbing system components are not to be mounted
1465 on or penetrate through walls that are designed to break away under flood loads;
1466 and
- 1467 2. Are constructed with insect screening or open lattice; or
- 1468 3. Are designed to break away or collapse without causing collapse, displacement
1469 or other structural damage to the elevated portion of the building or supporting
1470 foundation system. Such walls, framing and connections shall have a design
1471 safe loading resistance of not less than 10 (470 Pa) and no more than 20
1472 pounds per square foot (958 Pa); or
- 1473 4. Where wind loading values of this code exceed 20 pounds per square foot (958
1474 Pa), the construction documents shall include documentation prepared and
1475 sealed by a registered design professional that:
 - 1476 4.1. The walls and partitions below the design flood elevation have been
1477 designed to collapse from a water load less than that which would occur during
1478 the design flood.
 - 1479 4.2. The elevated portion of the building and supporting foundation system have
1480 been designed to withstand the effects of wind and flood loads acting
1481 simultaneously on all building components (structural and nonstructural). Water
1482 loading values used shall be those associated with the design flood. Wind
1483 loading values used shall be those required by this code.
- 1484 5. If located in flood hazard areas designated as Coastal A Zones, the walls are
1485 provided with flood openings that meet the criteria in R322.2.2. Engineered
1486 openings with a Florida Product Approval number are accepted.

1487
1488 **R322.3.5 Enclosed areas below the design flood elevation.** Enclosed areas below
1489 the design flood elevation shall be used solely for parking of vehicles, building access or
1490 storage and are subject to the following limitations:

- 1491 1. Enclosed areas shall be not more than 50% of the total area of the footprint of
1492 the dwelling.
- 1493 2. The interior portion of enclosed areas shall not be partitioned or finished into
1494 separate rooms except stairwells, ramps, and elevators, which shall be not more
1495 than 150 sq ft in area; walls separating garages from building access and storage
1496 are permitted.

1497
1498 **SECTION 7. The Florida Building Code, Existing is hereby amended by the following**
1499 **technical amendments.**

1500
1501 **SECTION 202 GENERAL DEFINITIONS**

1502
1503 **Substantial damage** Damage of any origin sustained by a building or structure whereby the
1504 cost of restoring the building or structure to its before-damaged condition would equal or exceed
1505 50 percent of the market value of the building or structure before the damage occurred. The
1506 term also includes flood-related damage sustained by a structure on two separate occasions
1507 during a 10-year period for which the cost of repairs at the time of each such flood event, on
1508 average, equals or exceeds 25 percent of the market value of the structure before damage
1509 occurred.
1510

1511 **Substantial demolition** for floodplain management purposes means the demolition of fifty
1512 (50) percent or more of the aggregate components of a building creating a non-viable structure
1513 and triggering a substantial improvement. Each component may be prorated; the components
1514 are given the value of:

1515 Thirty (30) percent for the roof system in square feet

1516 Thirty (30) percent for the foundation in linear feet

1517 Thirty (30) percent for the exterior perimeter walls in linear feet

1518 Ten (10) percent for windows and doors

1519 Ten (10) percent for non-bearing interior partitions in linear feet

1520 Ten (10) percent for bearing interior partitions in linear feet

1521 Thirty (30) percent total for utility systems broken out as

1522 • mechanical, (10%)

1523 • electrical (10%) including low voltage and

1524 • plumbing (10%)

1525 Ten (10) percent for built in features such as appliances, bookshelves, etc.

1526 Five (5) percent for attached extensions such as decks or carports

1527
1528 **Substantial improvement.** Any combination of repair, reconstruction, rehabilitation, addition,
1529 demolition, or other improvement of a building or structure taking place during a 1-year period,
1530 the cumulative cost of which equals or exceeds 50 percent of the market value of the building or
1531 structure before the improvement or repair is started. For each building or structure, the 1-year
1532 period begins on the date of issuance of the Certificate of Completion or the Certificate of
1533 Occupancy of the first improvement or repair of that building or structure subsequent to
1534 September 24, 2009. If substantial demolition is proposed, the structure shall be considered
1535 substantially improved. If the structure has incurred "substantial damage," any repairs are
1536 considered substantial improvement regardless of the actual repair work performed. The term
1537 does not, however, include either:

1538 (1) Any project for improvement of a building required to correct existing health, sanitary, or
1539 safety code violations identified by the building official and that are the minimum
1540 necessary to assure safe living conditions.

1541 (2) Any alteration of a historic structure provided the alteration will not preclude the
1542 structure's continued designation as a historic structure.

1543 **SECTION 8. FISCAL IMPACT STATEMENT.**

1544 In terms of design, plan application review, construction and inspection of buildings and
1545 structures, the cost impact as an overall average is negligible in regard to the local technical
1546 amendments because all development to date has been subject to the requirements of the local
1547 floodplain management ordinance adopted for participation in the National Flood Insurance
1548 Program. In terms of lower potential for flood damage, there will be continued savings and
1549 benefits to consumers.
1550

1551 **SECTION 9. APPLICABILITY.**

1552 For the purposes of jurisdictional applicability, this ordinance shall apply in The City of Anna
1553 Maria This ordinance shall apply to all applications for development, including building permit
1554 applications and subdivision proposals, submitted on or after The effective date of this
1555 Ordinance.
1556

1557 **SECTION 10. Repeal of Ordinances in Conflict.** All Ordinances of the City of Anna Maria in
1558 direct conflict with this Ordinance are hereby repealed to the extent of such conflict.
1559
1560

1561
1562
1563
1564
1565
1566
1567
1568
1569
1570
1571
1572
1573
1574
1575
1576
1577
1578
1579
1580
1581
1582
1583
1584
1585
1586
1587
1588
1589
1590
1591
1592
1593
1594
1595
1596
1597

SECTION 11. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Anna Maria Code of Ordinances, and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 12. Severability. Should any portion of this Ordinance be found by a court of competent jurisdiction to be illegal or unconstitutional, then such portion shall be severed and the remaining portions of the Ordinance shall be unaffected thereby.

SECTION 13. Effective Date. This Ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Anna Maria.

PASSED AND ADOPTED, by the City Commission of the City of Anna Maria, Florida, in regular session assembled, this _____ day of _____, 2014.

Carol Carter, Commissioner
Doug Copeland, Commissioner
Charles Webb, Commissioner
Dale Woodland, Commissioner
Nancy Yetter, Commissioner

Charles Webb, Chairman

I hereby approve this Ordinance:

SueLynn, Mayor

ATTEST

City Clerk