

701. **FLOOD DAMAGE PREVENTION** (Effective Date: December 24, 2003)

701.1 Statutory Authorization

The Legislature of the State of Florida has in Chapters 125, 163 and 166, Florida Statutes, delegated to local government units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Pasco County Board of County Commissioners does hereby adopt the following floodplain management regulations.

701.2 Findings of Fact

A. The flood hazard areas of Pasco County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

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

C. Pasco County joined the National Flood Insurance Program (NFIP) on November 18, 1981. Continued implementation and enforcement of the requirements of the NFIP through this section will enable the County and its property owners to continue to participate in the NFIP.

701.3 Statement of Purpose

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

A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

D. Control filling, grading, dredging and other development which may increase erosion or flood damage; and,

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

701.4 Objectives

The objectives of this section are:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood-control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;

F. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas; and,

G. To ensure that potential homebuyers are notified that property is in a flood area.

701.5 Methods of Reducing Flood Losses

In order to accomplish its purposes, this section includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,

E. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards in other areas.

701.6 Definitions

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

Accessory structure (Appurtenant structure) means a detached structure, which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal means a request for a review of the County Administrator's, or his designee's, interpretation of any provision of this section or a request for a variance.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this section.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building see **Structure**.

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1 – V30, or VE or V.

Cost of construction is the actual value, determined by using prevailing normal market values, of all labor, materials, service, equipment, overhead and profit that will be used to improve the structure or is required to fully repair the structure to its before-damaged condition. The County Administrator, or his designee, shall review the said costs to ensure that the estimates are reasonably accurate and that the cost estimate reasonably reflects the actual costs to fully repair any damage and/or make the proposed improvements to the structure.

County Administrator is the individual, or his designee, appointed to administer and enforce these floodplain management regulations.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

Elevated building means a nonbasement building which has its lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, shear walls, posts, piers, pilings, columns, or breakaway walls.

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction any structure for which the "start of construction" commenced before the effective date (November 18, 1981) of the floodplain management regulations adopted by Pasco County.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date (November 18, 1981) of the floodplain management regulations adopted by Pasco County.

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

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters; or
- The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been identified as Zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community on which the FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood.

Floodplain means any land area susceptible to flooding (see definition of **Flood or flooding**).

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain including, but not limited to, emergency preparedness plans, flood-control works, floodplain-management regulations, and open space plans.

Floodplain-management regulations means this section and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes Federal, State, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway fringe means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

Floor means the top surface of an enclosed area in a building (including basement); i.e., top of slab in concrete slab construction or top of wood flooring in wood-frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship (as related to variances of this section) means the exceptional hardship that would result from a failure to grant the requested variance. The Development Review Committee requires that the hardship is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a building.

Historic Structure means any structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - By an approved State program as determined by the Secretary of the Interior,or
 - Directly by the Secretary of the Interior in states without approved programs.

Increased Cost of Compliance (ICC) means the cost to repair a substantially damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. ICC insurance coverage is provided in a standard (NFIP) flood insurance policy.

Lowest adjacent grade means the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the nonelevation design standards of this section.

Mangrove stand means an assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one (1) or more of the following species: black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora Mangle*); white mangrove (*Languncularia Racemosa*); and buttonwood (*Conocarpus Erecta*).

Manufactured home means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar

transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Market value means the building value, excluding the land (as would be agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal; replacement cost depreciated by age of building (Actual Cash Value), or adjusted assessed values.

Mean Sea Level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this section, the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction means any structure for which the "start of construction" commenced after the effective date (November 18, 1981) of the floodplain management regulations adopted by Pasco County. The term also includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date (November 18, 1981) of floodplain regulations adopted by Pasco County.

North American Vertical Datum (NAVD)

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across, or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water,

or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Primary Frontal Dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle means a vehicle that is:

- Built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- Designed to be self-propelled or permanently towable by a light-duty truck; and
- Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway see Floodway.

Repetitive Loss means flood-related damages sustained by a structure on two (2) separate occasions during a ten (10) year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded twenty-five (25) percent of the market value of the building at the time of each such flood event.

Special flood hazard area (SFHA) (see Area of Special Flood Hazard) means an area having special flood hazard and shown on a FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-30, VE, or V.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act P.L. 97-348), includes substantial improvement, and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of

slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank and manufactured homes that are principally above ground.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds, over a one (1) year period, a cumulative total of fifty (50) percent of the market value of the structure before the "start of construction" of the improvement.

This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

The term does not, however, include either:

- Any project for improvement of a building required to comply with existing health, sanitary, or safety code violations which have been identified prior to permit issuance by the County

Administrator, or his designee, and which are solely necessary to ensure safe living conditions; or are required by changes in any health or safety code since the time of original construction; or,

- Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."

Substantially improved existing manufactured home parks or subdivisions is when the repair, reconstruction, rehabilitation or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

Variance is a grant of relief from the requirements of this section, which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with this section. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this section is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

1316 Structure means a structure for which a 1316 Declaration pursuant to 44 C.F.R. 73 and Section 1316 of the National Flood Insurance Act of 1968 has been issued by the County and/or received from FEMA. A 1316 Structure by its nature is in violation of this section. Upon issuance of a notice of restoration of insurance availability by FEMA, the "1316 Structure" designation shall be removed from any structure that has been brought into compliance with this section.

701.7 General Provisions

A. Lands to Which this Section Applies: This section shall apply to all areas of special flood hazard within the unincorporated area of Pasco County.

B. Basis for Establishing the Areas of Special Flood Hazard: The areas of special flood hazard identified by the FEMA in The Flood Insurance Study for the County of Pasco, dated May 18, 1981, with accompanying maps, and other supporting data, and any revisions thereto, are adopted by reference and declared to be a part of this section. The Flood Insurance Study and maps are on file in the offices of the Development Review Services Department.

C. Establishment of Development Permit: A Development Permit shall be required in conformance with the provisions of this section prior to the commencement of any development activities.

D. Compliance: No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this section and other applicable regulations.

The County Administer, or his designee, shall not issue any permit for a 1316 Structure unless the permit is for activities to bring the 1316 Structure into compliance with this section.

E. Abrogation and Greater Restrictions: This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation: In the interpretation and application of this section all provisions shall be:

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

Statutes.

G. Warning and Disclaimer of Liability: The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering

consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Pasco County or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

H. Penalties for Violation: Violations of the provisions of this section or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than sixty (60) days, or both and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent Pasco County from taking such other lawful action as is necessary to prevent or remedy any violation. In addition to the criminal penalties provided in this section, the County Attorney is hereby authorized to institute any appropriate action or proceeding, including suit for injunctive relief, in order to prevent or abate violations of this section, and the County Administrator is hereby authorized to institute any appropriate civil enforcement action or proceeding pursuant to the Pasco County Code in order to prevent or abate violations of this section.

Payment of any fines levied for violations of this section shall not alone be considered as to bring a structure into compliance with this section. To achieve compliance, the offending condition(s) must be rectified or removed.

701.8 Administration

A. Designation of County Administrator: The Pasco County Board of County Commissioners hereby appoints the County Administrator, or his designee, to administer and implement the provisions of this section.

B. Permit Procedures: Application for a Development Permit shall be made to the County Administrator, or his designee, on forms furnished by him prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Application Stage.

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

b. Elevation in relation to mean sea level to which any nonresidential building will be flood-proofed;

c. Certificate from a registered professional engineer or architect that the nonresidential flood-proofed building will meet the flood-proofing criteria in Sections 701.9.B(2) and 701.9.D(2) of this code;

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

2. Construction Stage:

Prior to the issuance of a Certificate of Occupancy (CO), or where no CO is required, prior to final inspection of the structure, it shall be the duty of the permit holder to submit to the County Administrator, or his designee, a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. The said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When flood proofing is utilized for a particular building the said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The County Administrator, or his designee, shall review the lowest floor and/or flood-proofing elevation, survey data

submitted for compliance with this section. The permit holder immediately and prior to issuance of the CO and/or final inspection of the structure shall correct deficiencies detected by such review. Failure to submit the survey or failure to make the said corrections required hereby shall be cause to issue a stop-work order for the project and/or deny issuance of a CO for the structure and/or deny use of the structure.

C. Duties and Responsibilities of the County Administrator, or His Designee, in Relation to this Section: Duties of the County Administrator, or his designee, shall include, but not be limited to:

1. Review all Development Permits to ensure that the permit requirements of this section have been satisfied;
2. Advise permittee that additional Federal or State permits may be required and require that copies of such permits be provided and maintained on file with the Development Permit;
3. Notify adjacent communities, the State of Florida Department of Community Affairs, and other Federal and/or State agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;
4. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
5. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings in accordance with Section 701.8.B(2) of this code;
6. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved nonresidential buildings have been flood proofed in accordance with Section 701.8.B(2) of this code;
7. Review certified plans and specifications for compliance with Sections 701.8.B and 701.9 of this code;

8. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash;

9. In coastal high hazard areas, the County Administrator, or his designee, shall review plans for adequacy of breakaway walls in accordance with Section 701.9.F of this code;

10. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the County Administrator, or his designee, shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article;

11. When base-flood elevation data or floodway data have not been provided in accordance with Section 701.7.B of this code, then the County Administrator, or his designee, shall obtain, review and reasonably utilize any base-flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Section 701.9 of this code; and,

12. All records pertaining to the provisions of this section shall be maintained in the office of the County Administrator, or his designee, and shall be open for public inspection.

701.9 Provisions For Flood Hazard Reduction

A. General Standards: In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;

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

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

5. Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities, including ductwork, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

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

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

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

9. Any alteration, repair, reconstruction, or improvements to a building that is in compliance with the provisions of this section shall meet the requirements of "new construction" as contained in this section; and,

10. Any alteration, repair, reconstruction, or improvements to a building that is not in compliance with the provisions of this section, shall be undertaken only if the nonconformity is eliminated or the building is otherwise brought into compliance and the activities shall meet the requirements of "new construction" as contained in this section.

B. Specific Standards: In areas of special flood hazard, Zones AE, A1-30, and/or AH, where base-flood elevation data have been provided as set forth in Section 701.6.B of this code, the following provisions are required:

1. Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement,

elevated no lower than one (1) foot above the base-flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the automatic equalization of hydrostatic flood forces on both sides of the exterior walls shall be provided in accordance with standards of Section 701.9.B(3) of this code.

2. Nonresidential Construction. New construction or substantial improvement of any commercial, industrial, or other nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base-flood elevation. Nonresidential buildings located in A zones may be floodproofed at least one (1) foot above the base-flood elevation in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 701.8.B(2) of this code.

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

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

(1) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(2) The bottom of all openings shall be no higher than one (1) foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and,

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,

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

d. Electrical, plumbing, and other utility connections are prohibited below the base-flood elevation.

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions in a new manufactured home park or subdivision or in substantially improved manufactured home parks or subdivisions must meet all the requirements for new construction, including elevation and anchoring in accordance with Sections 701.8.B and 701.9 of this code.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

(1) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base-flood elevation; or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength of no less than thirty-six (36) inches in height above the ground.

(3) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(4) On a site in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood,

any manufactured home placed or substantially improved on that site must meet the standards of 701.8.B(4)(b)(i) and (iii) above of this code.

c. All recreational vehicles placed on sites must either:

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

(2) Meet all the requirements for new construction, including anchoring and elevation requirements of 701.9.B(4)(a) or (b) (i) and (iii), of this code, or;

(3) Be on the site for fewer than 180 consecutive days.

5. Floodways. Located within areas of special flood hazard established in Section 701.7.B of this code are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential, the following provisions shall apply:

a. Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base-flood discharge.

b. If Section 701.9.B(6)(a) of this code is satisfied, all new construction and substantial improvements shall comply with all applicable flood-hazard reduction provisions of Section 701.9 of this code.

c. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Section 701.9.A(2) of this code, and the elevation standards of Section 701.9.B(1) of this code and the encroachment standards of Section 701.9.B(6)(a) of this code, are met.

C. Standards for Streams Without Established Base-Flood Elevation and/or Floodways:

Located within the areas of special flood hazard established in Section 701.7.B of this code, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

1. When base-flood elevation data and/or floodway data have not been provided in accordance with Section 701.7.B of this code, then the County Administrator, or his designee, shall obtain, review, and reasonably utilize any base-flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Section 701.9 of this code.

2. In special flood hazard areas with base-flood elevations (Zones AE and A1-30), but without floodways, no encroachments, including fill material or structures, shall be permitted unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

3. If base-flood elevations and floodway data are not available from outside sources, then the following provisions may be used:

a. In special flood hazard areas without base-flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site.

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

D. Standards for Areas of Shallow Flooding (AO Zones): Located within the areas of special flood hazard established in Section 701.7.B of this code, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one (1) to three (3) feet, where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to at least the flood depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade.

2. All new construction and substantial improvements of nonresidential structures shall:

a. Have the lowest floor, including basement, elevated to at least the flood depth number specified on the Flood Insurance Rate Map above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade; or,

b. Together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required per Section 701.8.B(2) of this code.

E. Standards for subdivision proposals and other developments:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

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

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,

4. Base-flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty (50) lots or five (5) acres.

F. Coastal High Hazard Areas (V Zones): Located within areas of special flood hazard areas established in Section 701.7.B of this code are Coastal High Hazard Areas, designated as Zones V1-V30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges; and, therefore, in addition to meeting all provisions in this section, the following provisions shall also apply:

1. All new construction and substantial improvements in Zones V1-V30, V, and VE shall be elevated on pilings and columns so that:

a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated no lower than one (1) foot above the base-flood elevation level; and,

b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one (1) percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

2. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Section 701.9.F(1)(a) and (b) of this code.

3. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially

improved structures in Zones V1-V30 and VE. The County Administrator, or his designee, shall maintain a record of all such information.

4. All new construction shall be located landward of the reach of mean high tide.

5. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls; open-wood latticework; or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

a. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and,

b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one (1) percent chance of being equaled or exceeded in any given year.

6. If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or limited storage. Such space shall not be used for human habitation.

7. Prohibit the use of fill for structural support of buildings.

8. Prohibit manmade alteration of sand dunes or mangrove stands that would increase potential flood damage.

9. All manufactured homes to be placed or substantially improved within Zones V1-V30, V, and VE on the community's FIRM on sites:

- a. Outside of a manufactured home park or subdivision;
- b. In a new manufactured home park or subdivision;
- c. In an expansion to an existing manufactured home park or subdivision; or,
- d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of Sections 701.9.F(1) through (8) of this code and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision with Zones V1-V30, V, and VE on the FIRM meet the requirements of Sections 701.9.B(4)(a) through (b) of this code.

10. Recreational vehicles placed on sites within Zones V1-V30, V, and VE on the community's FIRM either:

- a. Be on the site for fewer than 180 consecutive days;
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions; or,
- c. Meet the requirements of Section 701.8.B and Section 701.9.B and F of this code.

11. Critical Facilities: Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet or more above the level of the base-flood elevation at the site. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into

floodwaters. Access routes elevated to or above the level of the base-flood elevation shall be provided to all critical facilities to the extent possible.

701.10 Variance Procedures

A. Designation and Duties of Variance and Appeals Board: The Development Review Committee (DRC) shall hear and decide, subject to appeal to the Board of County Commissioners, requests for variances from the requirements of this section. The Board of County Commissioners shall hear all appeals from administrative determinations or variance denials upon the filing of an application for appeal with the County Administrator or his designee. In order to prevail on an appeal, the aggrieved party must demonstrate that the provisions and standards of this section have been interpreted in a clearly erroneous or arbitrary manner. The appeal shall be presented to the Board of County Commissioners along with a recommendation from the DRC, in the case of variances, or a recommendation from the County Administrator, or his designee, in the case of appeals from administrative decisions interpreting the section. The appellant shall be given an opportunity to be heard before the Board of County Commissioners in any appeal proceedings. Any person aggrieved by the decision of the Board of County Commissioners, or any taxpayer, may appeal such decision to the Circuit Court.

B. Variances for Historic Structures: Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variance Procedures: In passing upon such applications, the Development Review Committee shall consider all technical evaluations, all relevant factors, all standards specified in this section, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger of life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location in the case of a functionally dependent facility;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, and water systems; streets; and bridges.

D. Conditions for variances:

1. Variances shall only be issued when there is:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and,

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a "historic structure," a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

3. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base-flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

4. The County Administrator, or his designee, shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency or Florida Department of Community Affairs upon request.

E. Variance Notification: Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base-flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and,

2. Such construction below the base-flood level increases risks to life and property. A copy of the notice shall be recorded by the County Administrator, or his designee, in the Public Records of Pasco County and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The County Administrator, or his designee, will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

F. Special Conditions: Upon consideration of the factors listed in Section 701.9 of this code and the purposes of this section, the Development Review Committee may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this section.

G. No-Impact Certification Within the Floodway: Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base-flood discharge would result.