

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NUMBER _____

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING FLOOD PROTECTION; AMENDING ARTICLE 4, SITE DEVELOPMENT STANDARDS, DIVISION 10, FLOOD PROTECTION, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; AMENDING CHAPTER 21, BUILDINGS AND HOUSING REGULATIONS, PART 1. ADMINISTRATION, APPEALS AND LOCAL AMENDMENTS, GENERAL ORDINANCES, MARTIN COUNTY CODE; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, confers 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 (FEMA) released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the Board of County Commissioners has determined that it is appropriate to amend the existing regulations found in Article 4, Division 10 of the Land Development Regulations to achieve consistency with the FEMA Policy for wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy and to allow granting of variances for certain wet floodproofed agricultural structures; and

WHEREAS, Martin County participates in the National Flood Insurance Program (NFIP) Community Rating System (CRS), a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements, achieving a CRS rating of Class 6; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, in order for the County to maintain the current CRS rating class, all manufactured homes installed or replaced in special flood hazard areas must be elevated such that the lowest floors are at or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, Chapter 553, Florida Statutes, allows local technical amendments to the Florida Building Code that provide for more stringent requirements than those specified and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

WHEREAS, the Board of County Commissioners has determined that it is necessary to modify coastal high hazard area requirements for application in Coastal A Zones 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 Board of County Commissioners has determined that it is in the public interest to adopt the proposed local technical amendments to the Florida Building Code and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate

against materials, products or construction techniques of demonstrated capabilities, and are in compliance with Section 553.73(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, MARTIN COUNTY, FLORIDA, THAT:

PART 1. ARTICLE 4, SITE DEVELOPMENT STANDARDS, DIVISION 10 - FLOOD PROTECTION, LAND DEVELOPMENT REGULATIONS is hereby amended as follows:

DIVISION 10. - FLOOD PROTECTION

Sec. 4.421. - General.

4.421.A. *Scope.* The provisions of this division shall apply to all development that is wholly within or partially within any Special Flood Hazard Area, including but not limited to ~~the subdivisions, plats of land;~~ filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; ~~;~~ installation of swimming pools; installation of emergency generators and electric facilities; ~~;~~ and any other development.

4.421.B. *Purpose and intent.* The purposes of this division and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in Special Flood Hazard Areas to:

- (1) Minimize unnecessary disruption of commerce, access, and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of Special Flood Hazard Areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development within the Special Flood Hazard Areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in 44 CFR 59.22.

4.421.C. *Coordination with the Florida Building Code.* This division is intended to be administered and enforced in conjunction with the Florida Building Code. ~~Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.~~

4.421.D. *Warning.* The degree of flood protection required by this division and the Florida Building Code, as amended by Martin County, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This division does not imply that land outside of mapped Special Flood Hazard Areas, or that uses permitted within such Special Flood Hazard Areas, will be free from flooding or flood damage. The Special Flood Hazard

Areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of 44 CFR 59 and 60, may be revised by the Federal Emergency Management Agency, thereby requiring Martin County to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this division.

4.421.E. *Disclaimer of liability.* This division shall not create liability on the part of the Martin County Board of County Commissioners or by any officer or employee thereof for any flood damage that results from reliance on this division or any administrative decision lawfully made thereunder.

Sec. 4.422. - Applicability.

4.422.A. *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

4.422.B. *Areas to which this division applies.* This division shall apply to all Special Flood Hazard Areas within the unincorporated Martin County, as established in section 4.422.C of this division.

4.422.C. *Basis for establishing Special Flood Hazard Areas.* The Flood Insurance Study for Martin County, Florida and Incorporated Areas dated ~~March 16, 2015~~ February 19, 2020, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this division and shall serve as the minimum basis for establishing the Special Flood Hazard Areas. Studies and maps that establish Special Flood Hazard Areas are on file in the Engineering Department.

4.422.D. *Other laws.* The provisions of this division shall not be deemed to nullify any provisions of local, state or federal law.

4.422.E. *Abrogation and greater restrictions.* This division supersedes any ordinance in effect for management of development in Special Flood Hazard Areas. However, it is not intended to repeal or abrogate any existing regulations or ordinances including but not limited to provisions of the Martin County Land Development Regulations, the Martin County Code of Ordinances, or the Florida Building Code. In the event of a conflict between this division and any other regulation or ordinance, the more restrictive shall govern. This division shall not impair any deed restriction, covenant, or easement, but any land that is subject to such interests shall also be governed by this division.

4.422.F. *Interpretation.* In the interpretation and application of this division, all provisions shall be:

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

Sec. 4.423. - Acronyms and definitions.

4.423.A. *Acronyms.*

<u>ASCE</u>	<u>American Society of Civil Engineers</u>
<u>CRS</u>	<u>Community Rating System</u>
<u>FBC</u>	<u>Florida Building Code</u>
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance <u>R</u> ate <u>M</u> ap

<u>FIS</u>	<u>Flood Insurance Study</u>
<u>FPRC</u>	<u>Flood Protection Review Committee</u>
<u>LiMWA</u>	<u>Limit of Moderate Wave Action</u>
<u>NFIP</u>	<u>National Flood Insurance Program</u>

4.423.B. *Definitions.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this division, have the meanings shown in this section. Where terms are not defined in this division and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code. Where terms are not defined in this division or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. The term includes only accessory structures used for parking and storage.

Agricultural structure. A walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this division.

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

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

Base flood elevation. The elevation of the base flood, including wave height, relative to the North American Vertical Datum (NAVD) as specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

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

Coastal A Zone. Flood hazard areas that have been delineated as subject to wave heights between 1 ½ feet and 3 feet. Such areas are seaward of the Limit of Moderate Wave Action (LiMWA) shown on the Flood Insurance Rate Map.

Coastal high hazard area. A Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V zones" and are designated on Flood Insurance Rate Maps

(FIRM) as Zone V1-V30, VE, or V. [Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

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

- (1) Area with a floodplain subject to a one percent or greater chance of flooding in any year; or
- (2) Area designated as a Special Flood Hazard Area on the County's Flood Insurance Rate Maps, or otherwise legally designated.

Design flood elevation. The elevation of the design flood, including wave height, relative to the datum specified on the County's Flood Insurance Rate Maps. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 1612.2.]

~~*Development or development activity.*~~ ~~For the purpose of administering this division, a~~ Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations, or any other land disturbing activities.

Development order. Any written document granting, denying, or granting with conditions an application for a building permit, site plan, plat, change to the zoning atlas, special exception, variance, or clearing permit.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a Special Flood Hazard Area which may impede or alter the flow capacity of riverine Special Flood Hazard Areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before June 15, 1981. [Also defined in FBC, B, Section 1612.2.]

~~*Existing manufactured home park or subdivision.* 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) was completed before June 15, 1981.~~

~~*Expansion to an existing manufactured home park or subdivision.* 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).~~

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

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

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

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

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated the Special Flood Hazard Areas and the risk premium zones applicable to the Martin County. [Also defined in FBC, B, Section 1612.2.]

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

Floodplain. Any land area susceptible to being inundated by water from any source.

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this division.

Floodplain Approval. An official document or certificate issued by the Floodplain Administrator or designee, or other evidence of approval or concurrence, which authorizes ~~performance of specific development activities that are~~ located in Special Flood Hazard Areas and that are determined to be compliant with this division.

Floodway. The channel of a river or other riverine 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 foot. [Also defined in FBC, B, Section 1612.2.]

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

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; and Florida Building Code, Fuel Gas.

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

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

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 44 Historic Buildings.

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:

- (1) *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.
- (2) *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.
- (3) *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 County's Flood Protection Division of the Land Development Regulations.
- (4) *Conditional letter of map revision (CLOMR).* A formal review and comments 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. As defined in 40 CFR 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.

Limit of Moderate Wave Action. Line shown on FIRMs to indicate the inland limit of the 1½-foot breaking wave height during the base flood.

Lowest floor. The lowest floor or 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 home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 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 home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured 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 knowledge of relevant facts. As used in this division, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this division and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after June 15, 1981 and includes any subsequent improvements to such structures.

~~*New manufactured home park or subdivision.* 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 June 15, 1981.~~

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

Recreational vehicle. A vehicle, including a park trailer, which is [see F.S. § 320.01]:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and

- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

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

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a 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. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to March 16, 2015. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

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

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

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

Sec. 4.424. - Duties and powers of the floodplain administrator.

4.424.A. *Designation.* Unless determined otherwise by the County Administrator, the County Engineer is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

4.424.B. *General.* The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this division. The Floodplain Administrator shall have the authority to render interpretations of this division consistent with the intent and purpose of this division and may establish policies and procedures in order to clarify the application of its provisions. Such

interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this division without the granting of a variance pursuant to section 4.428 of this division.

4.424.C. *Applications and permits.* The Floodplain Administrator shall:

- (1) Review applications and plans to determine whether proposed ~~new~~ development will be located in Special Flood Hazard Areas;
- (2) Review applications for modification of any existing development in Special Flood Hazard Areas for compliance with the requirements of this division;
- (3) Interpret Special Flood Hazard Area boundaries where such interpretation is necessary to determine the exact location of boundaries; ~~a person contesting the determination shall have the opportunity to appeal the interpretation;~~
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue Floodplain Approvals for development ~~other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this division is demonstrated, or disapprove the same in the event of noncompliance~~ that does not require a development order or other permit; and
- (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in Special Flood Hazard Areas comply with the applicable provisions of this division.

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

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this division is required.

4.424.E. *Modifications of the strict application of the requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the

Florida Building Code to determine whether such requests require the granting of a variance pursuant to section 4.428 of this division.

4.424.F. *Notices and orders.* The Floodplain Administrator shall coordinate with appropriate County ~~local~~ agencies for the issuance of all necessary notices or orders to ensure compliance with this division.

4.424.G. *Inspections.* The Floodplain Administrator shall make the required inspections as specified in section 4.427 of this division for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect Special Flood Hazard Areas to determine if development is undertaken without issuance of a floodplain approval.

4.424.H. *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 4.424.D of this division;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, Special Flood Hazard Area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this division and the Florida Building Code ~~and this division~~ to determine that whether such certifications and documentations are complete;
- (5) Notify the Federal Emergency Management Agency when the boundaries of unincorporated Martin County are modified; and
- (6) Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "coastal barrier resource system areas" and "otherwise protected areas."

4.424.I. *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this division and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps: letters of change: records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage: required design certifications and documentation of elevations specified by the Florida Building Code and this division; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial: and records of enforcement actions taken pursuant to this division and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection in the Martin County Engineering Department.

Sec. 4.425. - Development orders, permits, and Floodplain Approvals.

4.425.A. *Development orders and permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity ~~within the scope of this division, except buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any Special Flood Hazard Area,~~ shall obtain a development order, building permit, or development order other permit, such as an Excavation and Fill Permit, as applicable. No such development order or permit shall be issued until compliance with the requirements of this division and all other applicable codes and regulations have been satisfied.

4.425.B. *Floodplain Approvals required.* Any applicant who intends to undertake Floodplain approvals shall be issued pursuant to this division required for any development activities, which is wholly within or partially within any Special Flood Hazard Area and which is not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, shall obtain a Floodplain Approval. ~~Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain approval is required in addition to a building permit.~~

4.425.C. *Buildings, structures, and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR Sections 59 and 60), regarding participation in the National Flood Insurance Program, Floodplain Approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this division: or that are exempt from the requirement to obtain a building permit:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in Special Flood Hazard Areas established on Flood Insurance Rate Maps.
- (10) Buildings and structures specifically regulated and preempted by the Federal Government.
- (11) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

4.425.ED. *Consultation encouraged.* For development that requires a Floodplain Approval, applicants are encouraged to contact the Floodplain Administrator or designee before filing a Floodplain Approval application in order to discuss the information required, the availability of flood hazard data, the potential limitations on use of sites, and other matters relevant to the interpretation of this division.

~~4.425.D.~~ *Application for a Floodplain Approval.* For development that requires a Floodplain Approval, the applicant shall first file a Floodplain Approval application with the Floodplain Administrator. To obtain floodplain approval, the applicant shall first file a development review application with the Growth Management Department for the appropriate development activity. If the proposed development activity is exempt from the Florida Building Code, as described in section 4.425.C, The applicant shall provide the Floodplain Administrator with the following:

(1) A Floodplain Approval Checklist.

~~(42) The name, address, and telephone number of the applicant owner, developer or other person having power of attorney from the owner to make the application.~~

~~(73) The signature of the applicant.~~

~~(24) A description of the development to be covered by the Floodplain Approval.~~

~~(35) A description of the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.~~

~~(36) A map showing the location of the site, and names and addresses of adjacent property owners.~~

~~(47) The use and occupancy for which the proposed development is intended.~~

~~(58) A site plan and construction plans and specifications documents as specified in section 4.426 of this division. The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this division, if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this division.~~

~~(6) The valuation of the proposed work.~~

~~(7) A signature of the applicant or the applicant's authorized agent.~~

~~(89) Other data and information as required by the Floodplain Administrator.~~

~~4.425.E. Consultation encouraged.~~ ~~For development activity that is exempt from the Florida Building Code, as described in section 4.425.C, applicants are encouraged to meet with the Floodplain Administrator before preparing construction plans and building permit applications to discuss the information required, the availability of flood hazard data, the potential limitations on use of sites, and other matters relevant to the interpretation and design of this division.~~

4.425.F. *Validity of Floodplain Approval.* The issuance of a Floodplain Approval pursuant to this division shall not be construed to be a permit for, or approval of, any violation of this division, the Florida Building Codes, or any other regulation or ordinance of Martin County. The issuance of permits a Floodplain Approval based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions discovered subsequent to the issuance of the Floodplain Approval.

4.425.G. *Expiration.* A Floodplain Approval that applies to development activity that is exempt from the Florida Building Codes, as described in section 4.425.C shall become invalid: (1) unless the work authorized by such approval is commenced within 180 days after its issuance, or (2) if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated. ~~A floodplain approval that applies to other development orders or permits shall become invalid with the expiration of the applicable development order or permit.~~

4.425.H. *Suspension or revocation.* The Floodplain Administrator is authorized to suspend or revoke a Floodplain Approval if the approval was issued in error, on the basis of incorrect, inaccurate or incomplete information, or if the Floodplain Approval was issued in violation of this division or any other ordinance, regulation or requirement of Martin County.

4.425.I. *Other permits required.* Floodplain Approvals, ~~development orders, and building permits~~ shall include a condition that all other applicable state or federal permits be obtained before commencement of the development ~~activity~~, including but not limited to the following:

- (1) The South Florida Water Management District; F.S. § 373.036.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
- (4) Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.
- (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (6) Federal permits and approvals.

Sec. 4.426. - Site plans and construction documents.

4.426.A. *Information for development in Special Flood Hazard Areas.* The site plan and construction plans and specifications associated with any development ~~activity~~ subject to the requirements of this division shall be drawn to scale and shall include:

- (1) Delineation of Special Flood Hazard Areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
 - a. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with section 4.426.B(1) of this division.
 - b. Where floodway boundaries or base flood elevations, are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with section 4.426.B(2) or (3) of this division.
- (2) Location of two proposed accessible benchmarks, referenced to the datum on the FIRM, which shall be established prior to the issuance of a building permit and shall remain until a certificate of occupancy has been issued.
- (3) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A Zones, ~~new proposed~~ buildings shall be located landward of the reach of mean high tide and landward of setbacks required in the Land Development Regulations.
- (4) Location, extent, amount, and proposed final grades of any filling, grading, excavation, or water management facilities.
- (5) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (6) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
- (7) Extent of any proposed alteration of sand dunes or mangrove stands or other shorefront vegetation, provided such alteration meets the requirements of article 4, Site Development Standards, division 4, Barrier Island and Sea Turtle Protection, in the Martin County Land

Development Regulations and is approved by the Florida Department of Environmental Protection.

- (8) Existing and proposed alignment of any proposed alteration of a watercourse.

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

4.426.B. *Information in Special Flood Hazard Areas without base flood elevations (approximate Zone*

- A). Where Special Flood Hazard Areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- (1) Require the applicant to provide ~~include~~ base flood elevation data prepared in accordance with currently accepted engineering practices for review and consideration.
- (2) ~~Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or another source or~~ Require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or another source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate, set the base flood elevation to be three feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three feet.
- (4) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a professional engineer licensed in the State of Florida in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

4.426.C. *Additional analyses and certifications.* ~~Depending upon~~ As applicable to the location and nature of the proposed development ~~activity~~, and in addition to the other requirements of this ~~section~~ division, the applicant shall provide ~~have~~ the following analyses signed and sealed by a professional engineer licensed in the State of Florida for submission with the site plan and construction plans and specifications:

- (1) For development ~~activities~~ proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development ~~activities~~ that ~~do~~ increases base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 4.426.D of this division and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction plans and specifications.
- (2) For development ~~activities~~ proposed to be located in a riverine Special Flood Hazard Area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated Special Flood Hazard Area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated Special Flood Hazard Areas not connected to a riverine Special Flood Hazard Area or in Special Flood Hazard Areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or

relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 4.426.D of this division.

- (4) For activities that propose to alter sand dunes or mangrove stands or other shorefront vegetation in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

4.426.D. *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are required ~~submitted~~ to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of Special Flood Hazard Areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a professional engineer licensed in the State of Florida in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 4.427. - Inspections.

4.427.A. *General.* ~~Development for which a development order, building permit, or floodplain approval is required shall be subject to inspection.~~

4.427.B. ~~*Development other than buildings and structures.*~~ The Floodplain Administrator or designee shall inspect all development that is wholly within or partially within any Special Flood Hazard Area to determine compliance with the requirements of this division and the conditions of issued floodplain approvals, including those

4.427.C. ~~*buildings, structures and facilities exempt from the Florida Building Code and manufactured homes.*~~ The Floodplain Administrator ~~shall inspect buildings, structures, and facilities exempt from the Florida Building Code to determine compliance with the requirements of this division and the conditions of issued floodplain approvals~~

4.427.D. ~~*Buildings, structures and facilities exempt from the Florida Building Code*~~

- (1) *Lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, ~~the owner of a building, structure or facility exempt from the Florida Building Code, or the~~ applicant owner's authorized agent, shall submit to the Floodplain Administrator:

- (1a) The certification of elevation of the lowest floor prepared and sealed by a professional surveyor and mapper licensed in the State of Florida if a design flood elevation was used to determine the required elevation of the lowest floor; or

- (2b) The documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent if the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 4.426.B(3) of this division;

4.427.E ~~*Buildings, structures and facilities exempt from the Florida Building Code, f*~~

- (2) *Final inspection.* As part of the final inspection the ~~owner or owner's authorized agent~~ applicant shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 4.427.B ~~D~~ of this division.

4.427.F. *Manufactured homes.* The Floodplain Administrator is hereby authorized to shall inspect manufactured homes that are installed or replaced in Special Flood Hazard Areas to determine compliance with the requirements of this division and the conditions of the floodplain approval.

Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

Sec. 4.428. – Variances and appeals.

4.428.A. Flood Protection Review Committee.

- (1) A Flood Protection Review Committee (FPRC) is hereby established which shall consist of: the Public Works Director or designee; the Growth Management Director or designee; and the Building Official or designee.
- (2) The Floodplain Administrator or designee shall serve as the custodian of all FPRC records, in accordance with applicable public records policies.
- (3) The Flood Protection Review Committee shall consider requests for variances from the requirements of this division and the strict application of the flood resistant construction requirements of the Florida Building Code. The Flood Protection Review Committee shall not consider variances to Section 3109 of the Florida Building Code pertaining to the Coastal Construction Control Line.

4.428.B. Variance Application. Any person requesting relief from the requirements of this division or the flood resistant construction requirements of the Florida Building Code shall file an application for a variance with the Floodplain Administrator. Such application shall include:

- (1) The name, address, and telephone number of the applicant.
- (2) The signature of the applicant.
- (3) A description of the development to be covered by the variance.
- (4) A description of the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (5) A map showing the location of the site.
- (6) A justification statement identifying the reason for the request and providing evidence or data supporting the request.
- (7) A site plan and construction plans and specifications documents as specified in section 4.426 of this division. The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this division, if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this division.

4.428.C. Variance Procedure.

- (1) Within 15 working days of the receipt of a complete variance application, the FPRC shall convene to consider the request.
- (2) The FPRC shall consider the application materials and within 15 working days of the meeting, issue a written decision approving, approving with modifications, or denying the request of a variance.

~~4.428.A. **General.** The Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of this division. Pursuant to F.S. § 553.73(5), the Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.~~

~~4.428.B. **Appeals.** The Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this division. A request for an appeal shall~~

~~be filed, in writing, with the County Administrator within 30 days of the date of the Floodplain Administrator's decision; the matter shall be scheduled for consideration at the next available meeting of the Board of County Commissioners. Any person aggrieved by the decision of Board of County Commissioners may appeal such decision to the Circuit Court, as provided by Florida Statutes.~~

4.428.G.D. *Limitations on authority to grant variances.* The Flood Protection Review Committee Board of County Commissioners shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 4.428.I.G. of this division, the conditions of issuance set forth in section 4.428.I.J. of this division, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Flood Protection Review Committee Board of County Commissioners has the right to attach such conditions as it deems necessary to further the purposes and objectives of this division.

4.428.E. *Appeal.* Any person adversely affected by a final action of the Floodplain Administrator or a final decision of the Flood Protection Review Committees shall file an appeal with the County Administrator pursuant to the procedure established in Section 10.12, LDR, prior to applying to the courts for judicial relief.

4.428.D.F. *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if the development results in any increase in base flood elevations ~~would result~~, as evidenced by the applicable analyses and certifications required in section 4.426.C of this division.

4.428.E.G. *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 1244, Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

4.428.F.H. *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this division, provided the variance meets the requirements of section 4.428.D, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

4.428.G.I. *Considerations for issuance of variances.* In reviewing requests for variances, the Flood Protection Review Committee Board of County Commissioners shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this division, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

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

4.428.H.J. *Conditions for issuance of variances.* Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this division or the required elevation standards;
- (2) Determination by the Flood Protection Review Committee ~~Board of County Commissioners~~ that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, conflict with existing local laws and ordinances, or violate other provisions of the Land Development Regulations, the Code of Ordinances or the Comprehensive Growth Management Plan; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

4.428.K. *Agricultural structures.* A variance is authorized to be issued for the construction or substantial improvement of agricultural structures provided the requirements of this section are satisfied and:

- (1) A determination has been made that the proposed agricultural structure:
 - (a) Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.
 - (b) Has low damage potential (amount of physical damage, contents damage, and loss of function).
 - (c) Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.
 - (d) Is not located in a coastal high hazard area (Zone V/VE) and Coastal A Zones, except for aquaculture structures dependent on close proximity to water.

- (e) Complies with the wet floodproofing construction requirements of paragraph (2), below.
- (2) Wet floodproofing construction requirements.
 - (a) Anchored to resist flotation, collapse, and lateral movement.
 - (b) When enclosed by walls, walls have flood openings that comply with the flood opening requirements of ASCE 24, Chapter 2.
 - (c) Flood damage-resistant materials are used below the base flood elevation plus one (1) foot.
 - (d) Mechanical, electrical, and utility equipment, including plumbing fixtures, are elevated above the base flood elevation plus one (1) foot.

Sec. 4.429. - Violations.

- 4.429.A. *Violations.* ~~Pursuant to article 10, section 10.8 of the Land Development Regulations, development activity shall be in compliance with the development order at all times. Failure to comply with a development order or unauthorized development activity may result in the suspension of the current development order, and the cessation of processing of all applications for development on the subject property and any associated phases, or termination of the development order.~~ Any person, including the Board of County Commissioners or any member of the Board of County Commissioners, may file a complaint with the County Administrator alleging that there has been a failure to comply with a ~~the~~ development order or unauthorized development activity has occurred. In the event that such a complaint is filed, the procedures specified in Section 10.14.G ~~10.8~~ of the Land Development Regulations shall be followed. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this division or the Florida Building Code is presumed to be in violation until such time as that documentation is provided.
- 4.429.B. *Authority.* As an alternative to Section 4.429.A, ~~For any development that is not within the scope of the Florida Building Code but that is regulated by this division and that is determined to be a violation,~~ such violation may be processed pursuant to the provisions of Article 4, Code Enforcement Board, Chapter 1, Administration, of the Code of Ordinances. The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work. Nothing in this section shall prohibit the Board of County Commissioners from enforcing this division by any other means.
- 4.429.C. *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Sec. 4.430. - Buildings and structures.

- 4.430.A. *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* ~~Pursuant to section 4.425.C of this division,~~ Buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 4.436 of this division.
- 4.430.B. *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a Special Flood Hazard Area:

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
- (2) Minor structures and non-habitable major structures as defined in F.S. § 161.54 shall be designed and constructed to comply with the intent and applicable provisions of this division and ASCE 24.

4.430.C. Accessory structures. Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

- (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas and Coastal A Zones, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (2) If located in coastal high hazard areas (Zone V/VE) and Coastal A Zones, are not located below elevated buildings and are not larger than 100 sq. ft.
- (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
- (5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

Sec. 4.431. –Subdivisions.

4.431.A. *Minimum requirements.* In addition to the provisions set forth in article 4, Site Development Standards, division 21, Subdivisions, ~~proposed subdivisions-proposals~~, including subdivisions for manufactured home parks, shall be reviewed to determine that:

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

4.431.B. *Subdivision ~~plans~~.* Where any portion of proposed subdivisions, including subdivisions for manufactured home parks, lies within a Special Flood Hazard Area, the following shall be required on the final site plan and/or construction plans and specifications:

- (1) Delineation of Special Flood Hazard Areas, floodway boundaries and flood zones, and design flood elevations, as appropriate;
- (2) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 4.426.B(1) of this division; and
- (3) Compliance with the site improvement and utilities requirements of section 4.432 of this division.

Sec. 4.432. - Site improvements, utilities and limitations.

4.432.A. *Minimum requirements.* All proposed new development shall be reviewed to determine that:

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

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

- 4.432.B. *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems. Where fill above the natural grade is necessary to reach required drainfield elevations, the side slopes of the filled area shall not exceed one foot vertical to four feet horizontal. No building permit shall be issued where fill will result in any increase in flood levels during the occurrence of the base flood discharge.
- 4.432.C. *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- 4.432.D. *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 4.426.C(1) of this division demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- 4.432.E. *Limitations on placement of fill.* Subject to the limitations of this division, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
- 4.432.F. *Limitations on sites in coastal high hazard areas (Zone V) and Coastal A Zones.* In coastal high hazard areas and Coastal A Zones, alteration of sand dunes and mangrove stands or other shorefront vegetation shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section 4.426.C(4) of this division demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 4.436.J(3) of this division.

Sec. 4.433. - Manufactured homes.

- 4.433.A. *General.* All manufactured homes installed in Special Flood Hazard Areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this division. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
- 4.433.B. *Limitations in coastal high hazard areas (Zone V) and Coastal A Zones.* New manufactured homes shall not be installed in coastal high hazard areas (Zone V) and Coastal A Zones. ~~Existing manufactured homes in coastal high hazard areas and in existing manufactured home parks are permitted to be replaced or substantially improved only if installed in compliance with the requirements for new manufactured homes.~~
- 4.433.C. *Foundations.* All new manufactured homes and replacement manufactured homes installed in Special Flood Hazard Areas shall be installed on permanent, reinforced foundations that:
- (1) Are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this division in Special Flood Hazard Areas (Zone A) other than coastal high hazard areas and Coastal A Zones.

- (2) Are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this division in coastal high hazard areas (Zone V) and Coastal A Zones.

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

4.433.E. *Elevation*. All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone), as applicable. ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with section 4.433.F or 4.433.G of this division, as applicable.~~

~~4.433.F. *General elevation requirement*. Unless subject to the requirements of section 4.433.G of this division, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the Special Flood Hazard Area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).~~

~~4.433.G. *Elevation requirement for certain existing manufactured home parks and subdivisions*. Manufactured homes that are not subject to section 4.433.F of this division, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

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

4.433.H.F. *Enclosures*. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the Special Flood Hazard Area.

4.433.I.G. *Utility equipment*. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residentially Section R322, as applicable to the Special Flood Hazard Area.

Sec. 4.434. - Recreational vehicles and park trailers.

4.434.A. *Temporary placement*. Recreational vehicles and park trailers shall not be placed in coastal high hazard areas (Zone V) and Coastal A Zones; in other Special Flood Hazard Areas recreational vehicles and park trailers that are placed temporarily shall:

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

4.434.B. *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in section 4.434.A of this division for temporary placement shall meet the requirements of section 4.433 of this division for manufactured homes.

Sec. 4.435. - Tanks.

4.435.A. *Underground tanks.* Underground tanks in Special Flood Hazard Areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

4.435.B. *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of section 4.435.E of this division shall:

- (1) Be permitted in Special Flood Hazard Areas (Zone A) other than coastal high hazard areas and Coastal A Zones, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (2) Not be permitted in coastal high hazard areas (Zone V) and Coastal A Zones.

4.435.C. *Above-ground tanks, elevated.* Above-ground tanks in Special Flood Hazard Areas shall be attached to an elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable Special Flood Hazard Area.

4.435.D. *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

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

Sec. 4.436. - Other development.

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

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of section 4.432.D of this division if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

4.436.B. *Emergency generators.* Emergency generators shall meet the requirements for protection of mechanical and other service equipment in the Florida Building Code and fuel tanks for emergency generators shall be installed in accordance of section 4.435 of this division.

4.436.C. *Electrical facilities.* Electrical transformers and/or switching vaults, pad-mounted transformers, pad-mounted switches and related electrical facilities shall be permitted as independent structures within or outside the projected perimeter of the building(s) they are intended to serve. Such electrical facilities are permitted below base flood elevation provided they comply with ASCE 24, Chapter 7.

- 4.436.D. *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 4.432.D of this division.
- 4.436.E. *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 4.432.D of this division.
- 4.436.F. *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 4.432.D of this division. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 4.426.C(3) of this division.
- 4.436.G. *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 and Coastal A Zones, 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:
- (1) Structurally independent of the foundation system of the building or structure;
 - (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 - (3) Have a maximum slab thickness of not more than four inches.
- 4.436.H. *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:
- (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.
 - (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.
 - (3) A deck or patio that has a vertical thickness of more than 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 and structures.
 - (4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.
- 4.436.I. *Other development in coastal high hazard areas (Zone V) and Coastal A Zones.* In coastal high hazard areas and Coastal A Zones, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion

of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

4.436.J. *Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones.* In coastal high hazard areas and Coastal A Zones:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if 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 adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

Secs. 4.437—4.460. - Reserved.

**PART 2. CHAPTER 21 BUILDINGS AND HOUSING REGULATIONS; PART 1
ADMINISTRATION, APPEALS, AND LOCAL AMENDMENTS, GENERAL ORDINANCES, MARTIN
COUNTY CODE** is hereby amended as follows:

ARTICLE 3. - LOCAL AMENDMENTS

Sec. 21.22. - Local technical amendments to the Florida Building Code, Residential.

~~21.22.A. The Florida Building Code, Residential Section R322.2, Flood Hazard Areas (including A Zones) is hereby modified as follows:~~

~~*R322.2.1 Elevation requirements.*~~

- ~~1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot, or the design flood elevation, whichever is higher.~~
- ~~2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot, or to the design flood elevation, whichever is higher.~~
- ~~3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is not specified.~~
- ~~4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot, or the design flood elevation, whichever is higher.~~

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

~~21.22.B.~~ The Florida Building Code, Residential Section R322.3, Coastal High Hazard Areas (including V Zones and Coastal A Zones, where designated) is hereby modified as follows:

R322.3.3 Foundations. Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.4. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.6. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24.

~~Exception: In Coastal A Zones, stem wall foundations supporting a floor system above and backfilled with soil or gravel to the underside of the floor system shall be permitted provided the foundations are designed to account for wave action, debris impact, erosion and local scour. Where soils are susceptible to erosion and local scour, stem wall foundations shall have deep footings to account for the loss of soil.~~

~~*R322.3.2 Elevation requirements.*~~

- ~~1. All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is:
 - ~~1.1 Located at or above the base flood elevation plus 1 foot, or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach, or~~
 - ~~1.2 Located at the base flood elevation plus 2 feet, or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.~~~~
- ~~2. Basement floors that are below grade on all sides are prohibited.~~
- ~~3. The use of fill for structural support is prohibited.~~
- ~~4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.~~

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

Sec. 21.23. - Local technical amendments to the Florida Building Code, Building.

21.23.A. The Florida Building Code, Building definition for substantial improvement is hereby modified as follows:

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to March 16, 2015. If the structure has incurred "substantial damage," any repairs are considered substantial

improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

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

21.23.B. The Florida Building Code, Building section 1612 is hereby modified as follows:

1612.4.1 Modification of ASCE 24. Reserved. Table 6-1 and Section 6.2.1 in ASCE 24 shall be modified as follows:

~~1. The title of Table 6.1 shall be "Minimum Elevation of Floodproofing, Relative to Base Flood Elevation (BFE) or Design Flood Elevation (DFE), in Coastal A Zones and in Other Flood Hazard Areas that are not High Risk Flood Hazard Areas."~~

~~2. Section 6.2.1 shall be modified to permit dry floodproofing in Coastal A Zones, as follows: "Dry floodproofing of nonresidential structures and nonresidential areas of mixed-use structures shall not be allowed unless such structures are located outside of High Risk Flood Hazard areas and Coastal High Hazard Areas. Dry floodproofing shall be permitted in Coastal A Zones provided wave loads and the potential for erosion and local scour are accounted for in the design. Dry floodproofing of residential structures or residential areas of mixed-use structures shall not be permitted."~~

1612.4.3 Modification of ASCE 24 (Coastal A Zone). Section 4.5.13 in ASCE 24 shall be modified as follows:

1. Paragraph 1 shall be modified: "In Coastal High Hazard Areas and Coastal A Zones, stem walls shall not be permitted."
2. Paragraph 2 shall be deleted.

Sec. 21.24. - Local technical amendments to the Florida Building Code, Existing Building.

21.24.A. The Florida Building Code, Existing Building definition for substantial improvement is hereby modified as follows:

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to March 16, 2015. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

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

~~Sec. 21.25. - Local administrative amendments to the Florida Building Code, Building.~~

~~21.25.A. The Florida Building Code, Building Section 107.6.1 is hereby created:~~

~~107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept~~

~~plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.~~

~~21.25.B. The Florida Building Code, Building Section 117 is hereby created:~~

~~117 VARIANCES IN FLOOD HAZARD AREAS~~

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

PART 3. FISCAL IMPACT STATEMENT.

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

PART 4. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable in the unincorporated area of Martin County.

PART 5. CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict, except for ordinances concerning the adoption or amendment of the Comprehensive Plan.

PART 6. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

PART 7. FILING WITH DEPARTMENT OF STATE.

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART 8. CODIFICATION.

Provisions of this ordinance shall be incorporated in the County Code, except parts 5 through 10 shall not be codified. The word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered or re-lettered.

PART 9. EFFECTIVE DATE.

This ordinance shall take effect July 1, 2021.

DULY PASSED AND ADOPTED THIS ____ DAY OF _____, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

KRISTA A. STOREY, SR. ASSISTANT
COUNTY ATTORNEY