

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; AMENDING SECTIONS 30.961, 30.963 THROUGH 30.968, 30.970 THROUGH 30.975; DELETING SECTION 30.969 OF THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; CREATING SECTION 30.976 OF THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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



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

WHEREAS, an economic impact statement has been prepared and is available for public review in accordance with the provisions of the Seminole County Home Rule Charter; and

CERTIFIED COPY  
MARYANNE MORSE  
CLERK OF CIRCUIT COURT  
SEMINOLE COUNTY, FLORIDA  
BY *[Signature]*  
DEPUTY CLERK

**WHEREAS,** the private property rights analysis relating to this Ordinance has been prepared and made available for public review in accordance with the requirements of the Seminole County Comprehensive Plan (SCCP).

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** Chapter 30, Section 30.961 Land Development Code of Seminole County is hereby amended as follows:

**Purposes and intent.**

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



- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Require that uses vulnerable to floods including facilities which serve such uses be protected against flood damage throughout their intended life span ~~at the time of initial construction~~;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

- (d) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (e) Prevent or Rregulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

**Section 2.** Chapter 30, Section 30.963 of the Land Development Code of Seminole County is hereby amended as follows:

~~Sec. 30.963. Flood prone area zone classification created.~~

~~In addition to, and supplemental to, all Seminole County Zoning Requirements heretofore or hereafter established by designated zoning categories and classifications, there is hereby created a zoning classification to be known as the "Flood Prone Area Zone Classification" (FP 1) in which all property situated in a flood prone area, as defined in Chapter 2, shall be converted, improved or structurally altered without full compliance with the provision of this part and all other applicable regulations.~~

**Section. 30.963. Definitions.**

The following definitions apply only to the words or phrases used in this Part.

**Accessory structure** (Appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a

minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

**Appeal** means a request for a review of the Floodplain Administrator's interpretation of any provision of this Part or a request for a variance.

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

**Area of special flood hazard** is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This term is synonymous with the phrase "special flood hazard area."

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

**Base Flood Elevation** means the water-surface elevation associated with the base flood.

**Basement** means that portion of building having its floor sub-grade (below ground level) on all sides.

**Building** - see **Structure**.

**Critical facility** - means any structure of facility that produces, uses or stores highly volatile, flammable, explosive, toxic, and/or water-reactive materials; or any hospital nursing home or housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood; or any police station, fire station, vehicle and equipment storage facility, or emergency operation center that is needed for flood response activities before, during and after a flood. All critical facilities built after the date of this Part shall be flood protected from damage and loss of access as a result of the 500-year flood or the flood of record, which ever is greater.

**Datum** A reference surface used to ensure that all elevation records are properly related. Many communities have their own datum that was developed before there was a national standard. The current national datum is the North American Vertical Datum (NAVD) of 1988.

**Development** means any man-made change to improved or unimproved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling,

grading, paving, excavating, drilling operations, or storage of materials or equipment.

**Elevated building** means a non-basement building built to have the lowest floor elevated above the ground level by foundation walls, posts, piers, columns, pilings, or shear walls.

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

**Existing Construction** means, for the purposes of floodplain management, structures for which "the start of construction" commenced before the data of  the initial Flood Insurance Rate Map (FIRM), May 5, 1981. Existing construction means, for the purposes of determining rates, structures for which the "start of construction" commenced before May 5, 1981. This term may also be referred to as "existing structures".

**Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before May 5, 1981.

**Expansion to an existing manufactured home park or subdivision**

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

**Flood or flooding means:**

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters.
  - (2) The unusual and rapid accumulation or runoff of surface waters from  any source.
  - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of

water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

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

**Flood Insurance Study (FIS)** is the official hydraulic & hydrologic report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable), and other related data and information.

**Floodplain** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

**Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency

preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain Administrator** is the individual appointed to administer and enforce the floodplain management regulations of the community.

**Floodplain management regulations** means this Part and other zoning ordinances, subdivisions regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power which control development in flood-prone areas. This term describes Federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**Flood proofing** means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

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

**Freeboard** means the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, bridge openings and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height, calculated for a selected frequency flood and floodway conditions.

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

**Hardship** as related to variances from this Part means the exceptional hardship associated with the land that would result from a failure to grant the requested variance. A hardship is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps,

personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as a hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

**Historic Structure** means any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on the Florida inventory of historic places, which has been approved by the Secretary of the Interior; or

d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By the approved Florida program as determined by the Secretary of the Interior, or
2. Directly by the Secretary of the Interior.

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

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

**Manufactured home** means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

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

Market value means the building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.



New Construction means, for floodplain management purposes, any structure for which the "start of construction" commenced on or after May 5, 1981. The term also includes any subsequent improvements to such structures. For flood insurance rates, structures for which the start of construction commenced on or after the effective date of the date of an initial FIRM, May 5, 1981, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of

facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 5, 1981.

**North American Vertical Datum (NAVD)** of 1988 means a vertical control used as a reference for establishing varying elevations within the floodplain.

**Program deficiency** means a defect in the community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program.



**Public safety and nuisance** means anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Recreational vehicle** means a vehicle that is:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;

- c) Designed to be self-propelled or permanently towable by a light duty truck; and
- d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Remedy a deficiency or violation** means to bring the regulation, procedure, structure or other  development into compliance with State of Florida, Federal or local floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Part or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Shallow flooding** means the same as area of shallow flooding.

Special flood hazard area means the same as area of special flood hazard.

Start of construction For other than new construction or substantial improvements under the Coastal Barrier Resources Act P.L. 97-348, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** means for floodplain management purposes a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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

**Substantial improvement** means any combination of reconstruction, rehabilitation, addition, or other improvement to a building, taking place during a (5) five year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the building. The market value of the building should be (1) the appraised value, as determined by a state certified appraiser, of the building prior to the start of the initial repair or improvement, or (2) the assessed value of the building prior to the start of the initial repair or improvement, or (3) in the case of damage, the value of the building prior to the damage occurring.

**Time table** - This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. This term does not, however, include any repair or improvement of a structure to correct existing violations of State of Florida or local health, sanitary, or safety code

specifications, which have been identified by the local code enforcement office prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions.

**Variance** is a grant of relief from the requirements of this Part.

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



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

**Water surface elevation** means the height, in relation to the the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Section 3.** Chapter 30, Section 30.964 of the Land Development Code of Seminole County is hereby amended as follows:

**Section 30.964. General standards.**

~~In all flood prone areas the following general provisions are required:~~

This section entitled "General Standards" shall apply to all areas of special flood hazard within the jurisdiction of the Board of County Commissioners of Seminole County.

(1) Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study (FIS) for Seminole County, dated September 28, 2007, with the accompanying maps and other supporting data, and any subsequent revisions thereto are adopted by reference into this Part. The Flood Insurance Study and Flood Insurance Rate Map are on file at Seminole County Building Department.



(2) Designation of Floodplain Administrator. The Building Official or his or her designee shall administer and implement the provisions of this Part and is herein referred to as the Floodplain Administrator.

(3) Establishment of Development Permit. A development permit shall be required in conformance with the provisions of this Part prior to the commencement of any development activities.

(4) Compliance. No structure or land shall hereafter be located, extended, converted or structurally altered without

full compliance with the terms of this Part and other applicable regulations.

(5) ~~In all flood-prone areas the following general provisions are required:~~ areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:

- (a) ~~New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure designed, or modified, and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;~~
- (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State of Florida requirements for resisting wind forces;
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment

resistant to flood damage. See the applicable Technical Bulletin or Bulletins for guidance;

- (d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage. See the applicable Technical Bulletin or Bulletins for guidance;
- (e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or ~~located~~ elevated 1' above Base Flood Elevation (BFE) so as to ~~prevent~~ minimize or eliminate water from entering or accumulating within the components during conditions of flooding;
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

- (i) Any alteration, repair, reconstruction or improvements to a structure which is not in compliance with the provisions of this Part shall ~~meet the requirements of "new construction" as contained in this part.~~ be undertaken only if said non-conformity is not furthered, extended, or replaced;
- (j) All improvements, modifications, and/or additions to all existing structures shall be calculated cumulatively for (5) five years from the date of the initial permit date. Additionally, all reconstruction and/or repairs to a damaged structure shall be calculated cumulatively for (5) five years fro the date of the initial permit date.
- (k) All applicable additional Federal, State of Florida, and local permits shall be obtained and submitted to the Floodplain Administrator. Copies of such permits shall be maintained on file with the development permit. State of Florida permits may include, but not be limited to the following:
- (1) St. Johns Florida Water Management District
  - (2) Department of Community Affairs
  - (3) Department of Health
  - (4) Department of Environmental Protection

(l) Standards for Subdivision Proposals and other Proposed Development (including manufactured homes):

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

~~(j) Encroachments. The cumulative effect of any proposed development shall not adversely affect the flood prone area.~~

**Section 4. Section 30.965 of the Land Development Code of Seminole County is hereby amended as follows:**

**Section 30.965. Specific standards.**

~~The following requirements shall apply to all areas classified as flood prone.~~

In all A-Zones where base flood elevation data have been provided (Zones AE, A1-30, and AH), as set forth in Section 30.964(1), the following provisions shall apply:

- (a) No structure shall be constructed or placed and no land filling or grade level changes shall be permitted

~~within said classification~~ without the implementation and utilization of appropriate "flood-protection measures" as defined herein; and/or the implementation and utilization of on-site compensating storage if required pursuant to this part.

- (b) No Structure shall be constructed or placed ~~within said classification~~ where a septic tank will be utilized to service said structure unless prior approval as to the use and location of said septic tank shall be obtained through the Seminole County Department of Health and other appropriate state agencies.



- (c) No structure shall be constructed or placed and no land filling or grade level changes shall be permitted ~~within said classification~~ unless the resulting filling or change will not inhibit the flow of flood waters or drainage waters or cause erosion. All filling within said classification is limited to the minimum area necessary for a building site. In the event the necessary filling area for a building site is greater than ten percent (10%) of the total area within said classification, on-site compensating storage shall be provided. In riverine situations,

notification of alteration or relocation of a watercourse will be in accordance with approved county procedures.

(d) No structure shall be constructed or placed and no land filling or grade level changes shall be permitted ~~within said classification~~ unless the resulting filling or change will not increase flooding of or drainage of lands above or below the property and the modification to an affected watercourse can be maintained.

(e) Residential Construction. New construction or substantial improvement of any residential structure  (including manufactured home) shall have the lowest floor, including basement, all electrical equipment, all mechanical equipment elevated to no lower than one foot ~~six inches~~ (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided. automatic equalization of flood hydrostatic forces on both sides of the exterior walls shall be provided in accordance with the standards set forth in Section 30.965(h) of this Part.

(f) Non-Residential Construction. All new construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured home) shall have the lowest floor, including basement, all electrical, all mechanical, elevated to no more than one foot, ~~six inches~~ (1') above the level of the base flood elevation. All buildings in A-Zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building components below the base flood elevation plus one foot, ~~six inches~~ (1') are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the FEMA Floodproofing Certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the Floodplain Administrator.

(g) Non-residential agricultural structures. Non-residential agricultural structures may be flood-proofed in lieu of being elevated provided that:

1) All areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. ~~Such certification shall be as provided in 30.970(a)(3); or~~

2) All electrical, plumbing, and utility improvements, including but not limited to, circuit breakers,  conductors, conduit or other devices that carry but do not utilize electricity; panel boards; power outlets; receptacles; service conductors; switchboards; and switches, are above the base flood elevations (1').

(h) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor elevation shall be designed to preclude finished living space and

designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

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

- i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- ii. The bottom of all openings shall be no higher  than one foot above foundation adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and
- iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.

2) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

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

~~3) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior of door) or entry to the living area (stairway or elevator); and~~

4) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, per affidavit signed at issue of building permit.

(i) Manufactured Homes and Recreational Vehicles

(1) All manufactured homes that are placed, or substantially improved within Zones A1-30, AH, and AE, on sites (i) outside of an existing manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an

existing manufactured home park or subdivision, or  
(iv) in an existing manufactured home park or  
subdivision on which a manufactured home has incurred  
"substantial damage" as the result of a flood, the  
lowest floor be elevated on a permanent foundation to  
(a minimum of one foot) the base flood elevation and  
be securely anchored to an adequately anchored  
foundation system to resist flotation, collapse, and  
lateral movement.

(2) All manufactured homes to be placed or  
substantially improved in an existing manufactured  
home park or subdivision within Zones A1-30, AH, and  
AE, that are not subject to the provisions of  
paragraph 4(a) of this Section, must be elevated so  
that either:

- (i) The lowest floor of the manufactured home is  
elevated to no lower than one foot (1') above the  
base flood elevation, or
- (ii) The manufactured home chassis is supported by  
reinforced piers or other foundation elements of  
at least an equivalent strength that are no less  
than 36 inches {48 inches if 1' of freeboard  
adopted} in height above the grade and securely

anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.

(c) All recreational vehicles placed on sites within Zones A1-30, AH, and AE must either:

(i) Be on the site for fewer than 180 consecutive days,

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

(iii) Meet all the requirements for new construction, including anchoring and elevation requirements in accordance with Section B, provisions (4)(a) and (b) of this Article.

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

(7) Standards for streams with established Base Flood Elevations, without Regulatory Floodways

Located within the areas of special flood hazard established in Article 3, Section B, where streams exist

for which base flood elevation data has been provided by the Federal Emergency Management Agency without the delineation of the regulatory floodway (Zones AE and A1-30), the following additional provisions shall also apply.

- (a) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development including fill shall be permitted within the areas of special flood hazard, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (b) Development activities which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies - with the community's endorsement - for a conditional FIRM revision, and receives the approval of the Federal Emergency Management Agency.
- (j) Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous

area due to the velocity of flood waters which carry debris, potential projectiles and have significant erosion potential, ~~therefore,~~ the following additional provisions shall apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements and other developments within the regulatory floodway unless certification and supporting technical data by a registered professional engineer is provided through hydraulic and hydrologic analyses performed in accordance with standard engineering practice demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge; and
- (2) Prohibit the placement of manufactured homes, except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards, elevation standards, encroachment standards and all other applicable standards are satisfied; and
- (3) Development activities including new construction and substantial improvements that increase the water

surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies - with the community's endorsement - for a conditional FIRM revision, and receives the approval of FEMA.

- (4) When fill is proposed, in accordance with the permit issued by the Florida Department of Health, within the regulatory floodway, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood in accordance with Article 5, Section (7) (a).



**Section 5. Section 30.966 of the Land Development Code of Seminole County is hereby amended as follows:**

**Section 30.966. ~~Standards for streams without established base flood elevations and/or floodways.~~ Specific standards for A-zones without base flood elevations and regulatory floodways.**

~~The following provisions shall apply to flood prone areas where small streams exist but where no base flood data have been provided or where no floodways have been provided:~~

- ~~(a) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal~~

~~to five (5) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.~~

~~(b) New construction or substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with this part.~~

Located within the areas of special flood hazard established in Article 3, Section B, where there exist A Zones for which no base flood elevation data and regulatory floodway have been provided or designated by the Federal Emergency Management Agency, the following provisions shall apply:

- (1) Require standards of Article 5, Section A.
- (2) The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of this Part. When such data is utilized, provisions of Article 5, Section B shall apply. The Floodplain Administrator shall:

- (a) Obtain the elevation of the lowest floor (including the basement) of all new and substantially improved structures,
- (b) Obtain, if the structure has been flood-proofed in accordance with the requirements of Section B(2) of Article 5, the elevation to which the structure has been flood proofed, and
- (c) Maintain a record of all such information.
- (3) Notify, in riverine situations, adjacent communities, the State of Florida, Department of Community Affairs, NFIP Coordinating Office, and the applicable Water Management District prior to any alteration or relocation of a watercourse, and submit copies of such notification to FEMA.
- (4) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (5) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to

applicable State of Florida and local anchoring requirements for resisting wind forces.

(6) When the data is not available from any source as in paragraph (2) of this Section, the lowest floor of the structure shall be elevated to no lower than three feet above the highest adjacent grade.

(7) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data.

Section 6. Section 30.967  of the Land Development Code of Seminole County is hereby amended as follows:

Section 30.967. ~~Additional factors to be considered in evaluating structure proposals in flood-prone areas.~~ Standards for AO-Zones.

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures in all AO Zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to no less than two feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of non-residential structures shall:
- (a) Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to at least two feet above the highest adjacent grade, or
- (b) Together with attendant utility and sanitary facilities be completely flood proofed to that level to meet the flood proofing standard specified in Article 5, Section B(2).
- (3) Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.

~~No location of a structure in flood prone areas, shall be approved by the county engineer and/or the board of county commissioners unless all relevant factors specified in other sections of this chapter and, to the extent applicable, the following general criteria and guidelines have been considered.~~

- ~~(a) The danger to life and property due to increased erosion, flood heights or velocities caused by encroachment;~~
- ~~(b) The danger that materials may be swept onto other lands or downstream to the injury of others;~~
- ~~(c) The proposed water supply and sanitation systems and the ability of these  systems to prevent disease, contamination, and unsanitary conditions;~~
- ~~(d) The susceptibility of the proposed facility and its contents to flood damage;~~
- ~~(e) The importance of the services provided by the proposed facility to the community;~~
- ~~(f) The requirements of the facility for a waterfront location;~~
- ~~(g) The availability of alternative locations not subject to flooding or erosion damage for the proposed use and under the ownership of the applicant;~~

- ~~(h) The compatibility of the proposed use with existing and anticipated development;~~
- ~~(i) The relationship of the proposed use to the comprehensive plan, wetlands overlay zoning distance regulations and flood plain management program for the area;~~
- ~~(j) The safety of access to the property in times of flood for ordinary and emergency vehicles.~~
- ~~(k) The expected heights, velocity, duration, rate of rise, and sediment transport of flood waters expected at the site; and~~
- ~~(l) Such other factors as shall be relevant to the purposes of this chapter.~~



**Section 7.** Section 30.968 of the Land Development Code of Seminole County is hereby created as follows:

**Section 30.968. Variances.**

The Board of County Commissioners of Seminole County shall hear and decide requests for variances from the requirements of this Part.

(a) Variance Criteria. Variances shall only be issued under this Part under the following circumstances:

- (1) There is a showing of good and sufficient cause; and

- (2) A determination is made that failure to grant the variance would result in exceptional hardship; and
- (3) A determination is made that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
- (4) A determination is made that the variance is the minimum necessary deviation from the requirements of this Part; and
- (5) Variances shall not be granted after-the-fact.

(b) Additional Considerations  In acting upon variance applications under this Part, the Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Part, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- (4) The importance of the services provided by the proposed facility to the community;
  - (5) The necessity to the facility of a waterfront location, where applicable;
  - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (7) The compatibility of the proposed use with existing and anticipated development;
  - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (c) Records. The Floodplain Administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances in

the community's NFIP Biennial Report or upon request to FEMA and the State of Florida, Department of Community Affairs, NFIP Coordinating Office.

(d) Written Notification Requirement. Any applicant to whom a variance is granted shall be given written notice, signed by the Floodplain Management Administrator, of the following:

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

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



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

(e) Variances for Historic Structures. Variances may be issued for the repair or rehabilitation of "historic" structures - meeting the definition in this Part - upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic" structure.

(f) Structures in the Regulatory Floodway. Variances shall not be issued within any designated floodway if any impact in flood

conditions or increase in flood levels during the base flood discharge would result.

~~The following shall apply to all subdivision proposals required to comply with the requirements of this Code.~~

~~(a) All shall be consistent with the need to minimize flood damage;~~

~~(b) All shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;~~

~~(c) All shall have adequate drainage provided to reduce exposure to flood hazards; and~~

~~(d) All subdivision proposals  which are greater than fifty (5) lots or five (5) acres shall provide base flood elevation data.~~

**Section 8.** Section 30.969 of the Land Development Code of Seminole County is hereby deleted and reserved.

**Section 9.** Section 30.970 of the Land Development Code of Seminole County is hereby amended as follows:

**Section 30.970. ~~Building p~~ Permit procedures.**

Application for a ~~building permit~~ Development Permit shall be made to the ~~building division~~ Floodplain Administrator on forms furnished by him or her prior to any development activities, and

may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application Stage:

- a) ~~Elevation in relation to National Geodetic Vertical Datum and location of the proposed lowest floor (including basement) of all structures~~ the North American Vertical Datum (NAVD) of 1988 of the proposed lowest floor (including basement) of all buildings;
- b) ~~Elevation in relation to National Geodetic Vertical Datum to which any nonresidential agriculture structure will be floodproofed~~ the North American Vertical Datum (NAVD) of 1988 to which any non-residential building will be flood-proofed;
- c) Certificate from a registered professional engineer or architect that the flood-proofed non-residential building will meet the flood-proofing criteria set out herein;

- d) ~~Certificate from a registered professional engineer that compensating storage has been provided, if required;~~
- e) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

(2) Construction Stage:

Upon completion of the lowest floor, ~~and/or necessary flood protection~~ or flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit to the ~~building division~~ Floodplain Administrator a ~~certification of the actual location and elevation~~ NAVD elevation of the lowest floor and the actual lowest flood protected elevation (if applicable), as built, ~~in relation to National Geodetic Vertical Datum.~~ The certification ~~of the lowest floor elevation~~ shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a ~~registered engineer or architect~~ professional engineer or registered land surveyor, and certified by same. Any work undertaken prior to submission of the

~~certification and prior to verification by the county engineer, or his designee, shall be at the permit holder's risk.~~

~~The building division shall retain and preserve a copy of all required certificates after review and verification by the county engineer or his designee.~~

~~The Floodplain Administrator shall review the lowest floor and flood-proofing elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct violations detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.~~



**Section 10.** Section 30.971 of the Land Development Code is hereby amended as follows: **Duties and responsibilities of the county engineer-floodplain administrator.**

~~The county engineer, or his designee, shall be responsible for determining whether the requirements of this part have been complied with. Duties of the county engineer, or his designee, shall include, but not be limited, to the following:~~

~~Duties of the Floodplain Administrator shall include, but are not limited to:~~

- ~~(1) Review all development permits to assure that the requirements of this part have been satisfied;~~

- (2) Advise permit holder that additional federal, State of Florida, or local permits may be required, and if ~~specific~~ federal or state permit requirements are known, such additional permits are necessary, especially as it relates to Chapters 1x1.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065 and 553, Part IV, Florida Statutes, require that copies of such permits be provided and maintained on file with the development permit;
- (3) Notify adjacent communities, the Department of Community Affairs of the State of Florida, the Division of Emergency Management, the St. Johns Water Management District, the Federal Emergency Management Agency and other Federal and/or State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse and ~~submit evidence of such notification to the Federal Emergency Management Agency;~~
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained ~~not diminished;~~
- ~~(5) Review and verify the actual location and elevation of the lowest floor of all structures covered under this part.~~
- ~~(6) Review and verify the certification of the actual location and lowest flood proofed elevation of all structures~~

~~covered under this part in which flood protection measures are utilized~~

~~(7) Where interpretation is needed as to the exact location of boundaries of flood prone areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the county engineer shall make the necessary interpretation as provided in 30.961(a) hereto.~~

~~(8) When base flood elevation data or floodway data have not been provided in accordance with Sections 30.964 and 30.965, then the county engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of this part.~~

~~(9) All other duties and responsibilities as may be required by the board of county commissioners or by the county engineer to enforce the provisions of this part.~~

(10) Verify and record the actual elevation to which the new or substantially improved buildings have been flood-proofed, in accordance with Article 5, Section B(2);

(11) Review certified plans and specifications for compliance. When flood-proofing is utilized for a particular building, certification shall be obtained from a registered engineer or registered land surveyor certifying that all areas of

the buildings below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy in compliance with Article 5, Section B(2) of this Part.

- (12) Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article;
- (13) Coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA; and
- (14) Where Base Flood Elevation is utilized, obtain and maintain records of lowest floor and flood proofing elevations for new construction and substantial improvements in accordance with Article 5, Sections B(1) and (2), respectively.

**Section 11. Section 30.972 of the Land Development Code of Seminole County is hereby amended as follows:**

**Section 30.972. Appeals.**

The Board of County Commissioners of Seminole County shall hear and decide appeals from determinations of the Floodplain Administrator. Any person aggrieved by ~~the~~ a decision made pursuant to this Part by the ~~of the County Engineer, Floodplain Administrator regarding approval of construction, land filling or grade level changes pursuant to this Part~~ may file a written appeal with the Floodplain Administrator ~~County Engineer~~ within thirty (30) days of said decision. ~~to have the plan considered by the Board of County Commissioners.~~ An appeal to the Board of County Commissioners may be heard and decided upon, only when it is alleged that there is an error in any requirement, decision, or determination was made by the ~~County Engineer~~ Floodplain Administrator in the enforcement  or administration of this Part.

**Section 12. Section 30.973 of the Land Development Code of Seminole County is hereby amended as follows:**

**Section 30.973. Interpretation.**

In the interpretation and application of this Part all provisions shall be considered as minimum requirements; liberally construed in favor of Seminole County; and deemed neither to limit nor repeal any other powers granted under State of Florida statutes.

**Section 13. Section 30.974 of the Land Development Code of Seminole County is hereby amended as follows:**

**Section 30.974. Construction.**

This part shall be deemed to be cumulative, supplemental, and, in addition to other land development regulations zoning resolutions and classification. Where the requirements of this ~~zoning classification~~ and ~~part~~ shall conflict with the requirements of other land development regulations zoning classifications and ordinances in the Seminole County Zoning Land Development Code, this ~~part~~ shall take precedence. Wherever possible, this ~~part~~ shall be read in conjunction with existing land development regulations zoning classifications and resolutions and shall be regarded as imposing additional restrictions.



**Section 14. Section 30.975 of the Land Development Code of Seminole County is hereby amended as follows:**

**Section 90.975. Warning and disclaimer of liability.**

The degree of flood protection required ~~"by FP-1 Flood Prone Classification"~~ is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These provisions do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These provisions shall not create liability on the part of the Board of County

Commissioners of Seminole County or by any officer or employee thereof for any flood damages that result from reliance on these provisions or any administrative decision lawfully made there under.

**Section 15. Section 30.976 of the Land Development Code of Seminole County is hereby created as follows:**

**Section 30.976. Penalties for violation.**

Violation of the provisions of this Part or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be punishable for a non-criminal violation. Any person who violates this Part or fails to comply with any of its requirements shall, upon adjudication therefore, be fined not more than \$500, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful actions as is necessary to prevent or remedy any violation.

**Section 16. Severability.** If any section or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this Ordinance.

**Section 17. Codification.** It is the intention of the Board that the provisions of this Ordinance shall not be codified.

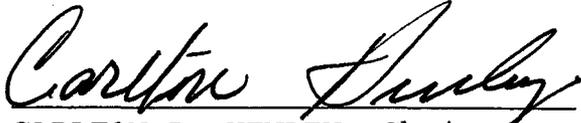
**Section 18. Effective Date.** This Ordinance shall become effective upon filing a copy of this ordinance with the Department of State by the Clerk of the Board of County Commissioners.

**ENACTED** this 25 day of September, 2007.

ATTEST:

  
MARYANNE MORSE  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

  
CARLTON D. HENLEY, Chairman

