

*WASHINGTON COUNTY, FLORIDA
ORDINANCE NO. 2006-1*

AN ORDINANCE RELATING TO WASHINGTON COUNTY, FLORIDA; RELATING TO FLOOD DAMAGE; RESTRICTING OR PROHIBITING USES WHICH ARE DANGEROUS TO HEALTH, SAFETY AND PROPERTY DUE TO WATER OR EROSION IN FLOOD HEIGHTS OR VELOCITIES; REQUIRING THAT USERS VULNERABLE TO FLOODS, INCLUDING FACILITIES WHICH SERVE SUCH USERS, BE PROTECTED AGAINST FLOOD DAMAGE AT THE TIME OF INITIAL CONSTRUCTION; CONTROLLING THE ALTERATION OF NATURAL FLOOD PLAINS, STREAM CHANNELS, AND NATURAL PROTECTIVE BARRIERS WHICH ARE INVOLVED IN THE ACCOMMODATION OF FLOOD WATERS; CONTROLLING FILLING, GRADING, DREDGING AND OTHER DEVELOPMENT WHICH MAY INCREASE EROSION OR FLOOD DAMAGE; PREVENTING OR REGULATING THE CONSTRUCTION OF FLOOD BARRIERS WHICH WILL UNNATURALLY DIVERT FLOOD WATERS OR WHICH MAY INCREASE FLOOD HAZARDS TO OTHER LANDS; ADOPTING AN OFFICIAL MAP WHICH DESIGNATES AREAS OF SPECIAL FLOOD HAZARD; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, FLORIDA:

ARTICLE 1. *SHORT TITLE, STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.*

SECTION A. *SHORT TITLE.*

This Ordinance shall be known as the Washington County Flood Plain Management Ordinance.

SECTION B. *STATUTORY AUTHORIZATION.*

The Legislature of the State of Florida has in Florida Statutes 125.01 and 125.66 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore the Washington County Board of County Commissioners, of Washington County, Florida, does hereby adopt the following floodplain management regulations.

SECTION C. *FINDINGS OF FACT.*

- (1) The flood areas of Washington County, Florida, 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.
- (2) These flood losses are caused by the cumulative effect of obstructions in flood plains 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.

SECTION D. STATEMENT OF PURPOSE.

It is the purpose of this Ordinance 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) Protect human life, health, safety and welfare,
- (b) Minimize expenditure of public money for costly flood control projects,
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public,
- (d) Minimize prolonged business interruptions,
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, roadways, and bridges and culverts located in floodplains,
- (f) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and
- (g) Ensure that potential home buyers are notified that property is in a flood hazard area.

SECTION E. METHODS OF REDUCING FLOOD LOSSES.

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities,
- (b) Requiring that uses vulnerable to floods including facilities which serve such uses be protected against flood damage throughout their intended life span,
- (c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters,
- (d) Controlling filling, grading, dredging, and other development which may increase flood damage, and
- (e) Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas.

ARTICLE 2. DEFINITIONS.

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

“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 ordinance or a request for a variance.

“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.

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

“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. The term “special flood hazard area,” for purposes of these regulations, is synonymous with the phrase “area of special flood hazard.”

“Base flood” means the flood having a one-percent chance of being equaled or exceeded in any given year (also called the “regulatory flood”).

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

“Basement” means any area of a building having its floor sub-grade (below ground level) on all sides.

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

“Building” - see *Structure*.

“Chief Executive Officer” of the community (CEO) means the official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

“Certification” means a certification by a registered professional engineer or other party does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier’s knowledge. Certification of analyses is a statement that the analyses have been performed correctly and in accordance with sound engineering practices. Certification of structural works is a statement that the works are designed in accordance with sound engineering practices to provide protection from the base flood. Certification of “as built” conditions is a statement that the structure(s) has been built according to the plans being certified, is in place, and is fully functioning.

“Community” means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal

organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

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

“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 National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or 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, shear walls, posts, piers, pilings, or columns.

“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 determining insurance rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before June 17, 1991, for FIRMs effective before the effective date of this Ordinance. 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) is completed before June 17, 1991.

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

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

- (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 Boundary and Floodway Map (FBFM)” means the official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated the areas of flood hazards and regulatory floodway.

“Flood elevation determination” means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one-percent or greater chance of occurrence in any given year.

“Flood elevation study” means 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/or flood-related erosion hazards.

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

“Flood Insurance Rate Map (FIRM)” means the official map of Washington County on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study (FIS)” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

“Flood plain or flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

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

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

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

“Floodplain management regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a 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 nonstructural 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.

“Flood way” 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 of

one foot. The term is also referred to as “regulatory flood way.”

“Flood way fringe” means the area of the flood plain on either side of the regulatory flood way where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

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

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

“Functionally dependent facility” means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

“Historic structure” means any structure that is:

- (1) 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:
- (2) 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:
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

“Increased Cost of Compliance (ICC)” means the coverage by a standard flood insurance policy under the NFIP that provides for the payment of a claim for the cost to comply with the State of Florida and Washington County flood plain management laws and ordinances after a direct physical loss by flood, when Washington County declares the structure to be “substantially” or “repetitively” flood-damaged. ICC coverage is provided for in every standard NFIP flood insurance policy, and will help pay for the cost to flood-proof, relocate, elevate, or demolish the structure.

“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 the 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 requirements of this Ordinance.

“Manufactured home” means a structure transportable in one or more sections, which is built on a permanent 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.”

“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 or 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.

“Mean sea level” means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, or North American Vertical Datum (NAVD) of 1988.

“National Geodetic Vertical Datum (NOVO)” as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

“New construction” means, for flood plain management purposes, any structure for which the “start of construction” commenced on or after June 17, 1991, the effective date of the initial flood plain management code adopted by Washington County. The term also includes any subsequent improvements to such structure. For flood insurance rates, structures for which the start of construction commenced on or after June 17, 1991, the effective date of the initial FIRM, 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 June 17, 1991, the effective date of flood plain management regulations adopted by

Washington County.

“North American Vertical Datum (NAVD)” of 1988 means a vertical control used as a reference for establishing varying elevations within the flood plain.

“Participating community” also known as an eligible community, means a community in which FEMA has authorized the sale of flood insurance.

“Principally above ground” means that at least fifty-one (51) percent of the actual cash value of the structure is above ground.

“Program deficiency” means a defect in a community’s flood plain management regulations or administrative procedures that impairs effective implementation of those flood plain management regulations or of the standards in sections 60.3, 60.4, 60.5, or 60.6 of Title 44 Code of Federal regulations.

“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 which is:

- (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.

“Reasonably safe from flooding” means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

“Regulatory flood way” 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 structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

“Repetitive Loss” means flood-related damages sustained by a structure on two separate occasions

during a 10-year period ending on the date of the event for which the second claim is made, for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded twenty-five (25) percent of the market value of the structure before the damages occurred.

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

“Start of construction” means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (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 state of excavation or the 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 structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a structure, whether or not that alteration affects the external dimensions of the structure.

“State coordinating agency” means the agency of the state government, or other office designated by the Governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

“Structure” means, for flood plain management purposes, a walled and roofed building that is principally above ground, a manufactured home, a gas liquid storage tank, a propane storage tank, or other man-made facility or infrastructure.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. The term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The 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 official prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions.

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

“Variance” is a grant of relief from the requirements of this ordinance.

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

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters

flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This Ordinance shall apply to all areas of a special flood hazard within the jurisdiction of Washington County.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of a special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study (FIS) for Washington County, dated June 17, 1991, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and Flood Insurance Rate Map are on file at the Washington County Building Department.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in conformance with the provision of this Ordinance.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the requirements of this Ordinance and other applicable laws and regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

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

SECTION F. INTERPRETATION.

In the interpretation and application of this Ordinance all provisions shall be:

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

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

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

ARTICLE 4. ADMINISTRATION.

SECTION A. PERMIT PROCEDURES.

A Development Permit Application shall be submitted, prior to undertaking any development activities, to the Flood plain Management Administrator on forms furnished by him or her, and must include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area under consideration for development; existing structure(s) and other features; proposed structure(s), existing and proposed infrastructure, earthen fills, storage of materials or equipment, drainage facilities, perimeter setbacks, environmental features such as base flood plain areas, wetlands, coastal barrier resource system areas (as established by the US Department of Interior, Fish & Wildlife Service) and other protected areas; and the location of the foregoing. Specifically, the following information, but may not be limited to, certified by a professional who is authorized to certify such information in the State, is required:

(1) Application Stage:

- (b) Elevations of the area of development in relation to mean sea level (such as a contour map) for both existing and proposed development,
- (c) Elevation in relation to mean sea level of the lowest floors of all proposed structures,
- (d) Elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed,
- (e) Flood-proofing Certificate, meeting the flood-proofing criteria in Article 5, Section B (2) and Section D (2),
- (f) Existing and proposed infrastructure, and
- (g) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) Construction Stage:

Upon placement of the lowest floor, or flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Flood plain Management Administrator a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor

or professional engineer who is authorized to certify such information in the State, and certified by the same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk.

The Flood plain Management Administrator shall review the lowest floor elevation and flood-proofing certificate. Should these documents be found not in conformance with the requirements of this Ordinance, the permit holder shall immediately cease further work, and shall correct any deficiencies. Failure of the permit holder to submit the surveyed lowest floor elevation and flood-proofing certificate, and failure to correct said deficiencies required hereby, shall be the cause to issue a stop-work order for the project.

SECTION B. *DUTIES AND RESPONSIBILITIES OF THE COUNTY BUILDING INSPECTOR.*

Duties of the Administrator shall include, but not be limited to the following:

- (1) Review all development permits to assure that the requirements of this Ordinance have been fully met;
- (2) Review proposed development to assure that all necessary permits have been obtained from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act, as amended, or by wide-area agencies, prior to issuing a development permit. Such documentation is to be maintained on file with the development permit;
- (3) Review certified plans and specifications for compliance with the requirements of this Ordinance;
- (4) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved residential structures, in accordance with Article 5, Section B, paragraph (4), and Section C, paragraph (2);
- (5) Verify and record the actual elevation (in relation to mean sea level) to which the new and substantially improved nonresidential structures in A-Zones have been flood-proofed, in accordance with Article 5, Section B, paragraph (4), and Section C, paragraph (3);
- (6) Where a structure has been substantially damaged and the market value estimates can be determined to be reasonably accurate, the cost estimate reasonably reflects the actual costs to fully repair the damage and any other improvements to the structure to be made, the Washington County Building Official will notify the owner of the community's determination. The Washington County Building Official may require that the permit applicant or owner of the building supply the information necessary (e.g., appraisals, construction cost estimates, and elevation certificate, etc.) to make the necessary determination.

- (7) Interpret the exact location of boundaries of the areas of special flood hazard and regulatory flood way. When there appears to be a conflict between a mapped boundary and actual field conditions, the Flood plain Management 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 for in this Ordinance;
- (8) When base flood elevation data or flood way data have not been provided in accordance with Article 3, Section B, the Flood plain Management Administrator shall obtain, review and reasonably utilize any base flood elevation and flood way data available from a federal, state, or any other source, in order to administer the provision of this Ordinance.
- (9) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA, and assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
- (10) Coordinate with Planning, Zoning, and Public Works and other departments in Washington County to assure that the requirements of this Ordinance are fully met;
- (11) Participate actively in evaluating variance requests and provide input and recommendations in variance hearings/proceedings;
- (12) Coordinate all revision or amendment requests to the FIS and/or FIRM or FBFM, or both, with the requester, State, and FEMA, as well as the changes to the county's jurisdictional limits with the State and FEMA; and

The County's base flood elevations may increase or decrease resulting from physical changes affecting flooding, thus creating a requirement to submit new technical data. As soon as practicable, but not later than six months after the date such information becomes available, the property owner shall notify FEMA of the changes by submitting technical or scientific data. The costs for determining this change and the fees due FEMA, will be paid by the property owner. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

ARTICLE 5. STANDARDS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all areas of a special flood hazard, determined by FEMA and by the community where FEMA has not determined the areas of a special flood hazard, the following provisions shall apply:

- (1) Adequate documentation will be submitted along with permit application for proposed construction or other development, including the placement of fill and

manufactured homes, so that a determination may be made whether or not such construction or other development is proposed within flood prone areas.

- (2) New construction, substantial improvements, and other development proposals shall assure that all necessary permits have been obtained from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act, as amended, or by area-wide agencies.
- (3) All new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (4) All new construction and substantial improvements shall be constructed with materials and utility elements resistant to flood damage.
- (5) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (6) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (7) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be assured that they will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall assure that:
 - (a) all such proposals are consistent with the need to minimize flood damage within the flood-prone area,
 - (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - (c) adequate drainage is provided to reduce exposure to flood hazards.
- (8) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- (9) 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, and on-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

- (10) New construction and substantial improvements, when located in multiple flood zones with varying base flood elevations or in same flood zone with multiple base flood elevations shall meet the requirements for the flood zone with the most stringent requirements and the highest flood elevation.

SECTION B. STANDARDS FOR APPROXIMATE A-ZONES

Located within the areas of a special flood hazard established in Article 3, Section B (A-Zones), where streams exist for which neither base flood elevation data nor regulatory flood way has been provided by FEMA, the following provisions shall apply:

- (1) Standards of Article 5, Section A.
- (2) All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever are the lesser, include within such proposals base flood elevation data.
- (3) The Flood plain Administrator shall obtain, review, and reasonably utilize any base flood elevation and flood way data available from a Federal, State, or other source, including data developed pursuant to Section B (2) of this Article. When such base flood elevation data and flood way data are utilized, the new construction, substantial improvements, or other development shall meet the elevation and non elevation requirements of Article 5, Sections C and D of this Ordinance.
- (4) Where the base flood elevation data are utilized, the development proposals shall include:
 - (a) the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures, and
 - (b) if the structure has been flood-proofed in accordance with the requirements of Section C, paragraph (3) (a) of this Article, the elevation in relation to the mean sea level, to which the structure has been flood-proofed, Flood-proofing Certificate, and the operational and maintenance plan. The Flood plain Administrator shall maintain a record of all such information.
- (5) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

- (6) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (7) 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 and local anchoring requirements for resisting wind forces.
- (8) When the base flood elevation data is not available from any source or as in paragraph (2) of this Section, the lowest floor of the new construction and substantial improvements shall be to three feet above the highest adjacent grade.
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provision of this Ordinance shall meet the requirements of “new construction” as contained in this Ordinance; and
- (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this Ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

SECTION C. SPECIFIC STANDARDS FOR A1-30, AE, A (with BFE), AH, and AO-Zones

In all areas of a special flood hazard where base flood elevation data have been provided, as set forth in Article 3, Section B, but neither regulatory flood ways nor coastal high hazard areas have been identified, the following provision shall apply:

- (1) Standards of Article 5, Section B.
- (2) Residential Structures.
 - (a) All new construction or substantial improvements of residential structures shall have the lowest flood (including the basement) elevated to at least one foot above the base flood elevation.
 - (b) All new construction and substantial improvements of residential structures within AO Zone shall have the lowest flood (including the basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number specified in feet on the FIRM (at least two feet if no depth number is specified)).

(3) Nonresidential Structures.

(a) All new construction or substantial improvements of nonresidential structures shall have the lowest floor (including the basement) elevated to at least one foot above the base flood elevation. Nonresidential structures may be flood-proofed in lieu of being elevated provided that together with all attendant utility and sanitary facilities, be designed so that below the base flood elevation plus one foot the structure is watertight with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect, who is authorized to certify such information in the State, shall develop and/or review structural design, specifications and plans for construction, and shall certify that the design and methods of construction are in accordance with the accepted standards of practice for meeting this provision. The FEMA Flood-proofing Certificate shall be prepared and submitted to the Flood plain Administrator along with the corresponding operational and maintenance plans. These plans shall include, at a minimum, the storage location of the flood-proofing measures (panels, gaskets, sealants, etc.) entities responsible for transportation to, and installation at, the structure within the available flood warning time for the site.

(b) All new construction and substantial improvements of nonresidential structures within Zone AO shall:

(i) have the lowest floor (including the basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or

(ii) together with attendant utility and sanitary facilities be completely flood-proofed to that level to meet the flood-proofing standard specified in paragraph (3) (a) of this Section.

(4) Elevated Structures. For all new construction or substantial improvements, fully enclosed areas below the lowest floor elevation shall be usable solely for parking of vehicles, building access, or storage. These enclosed areas shall be designed and constructed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for meeting with this requirement must either be certified by a professional engineer or architect, who is authorized to such information in the State, or meet or exceed the following minimum criteria:

(i) A minimum of two openings has a total net area of not less than one

square inch for every square foot of enclosed area subject to flooding shall be provided,

- (ii) The bottom of all openings shall be no higher than one foot above grade, and
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they result in the minimum required net area of the openings and permit the automatic entry and exit of flood waters.
 - (a) Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage doors) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - (b) The interior portion of such enclosed areas shall not be partitioned, finished, or temperature-controlled.
 - (c) Where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the building's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.
- (5) Provisions for Manufactured Homes and Recreational Vehicles.
- (a) All manufactured homes that are placed or substantially improved 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, be elevated on a permanent foundation to at least one foot above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist foundation collapse and lateral movement.
 - (b) All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision that are not subject to the provisions of paragraph (5) (a) of this Section, must be elevated so that either:

- (i) The lowest floor of the manufactured home is elevated to at least one foot 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 in height above the grade and be securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.
- (c) All recreational vehicles placed on sites must either:
- (i) be on the site for fewer than 180 consecutive days,
 - (ii) be fully licensed and ready for highway use, or
 - (iii) meet the requirements for new construction, including anchoring and elevation requirements for manufactured homes in paragraph (5) (a) of this Section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only quick disconnect type utilities and security devices, and have no permanently attached additions.

- (6) Require, until a regulatory flood way is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM, 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.
- (7) Within Zones AH and AO on the FIRM, adequate drainage paths around structures on slopes shall be provided to guide flood waters around and away from proposed structures.

SECTION D. STANDARDS FOR REGULATORY FLOOD WAYS.

Located within areas of a special flood hazard established in Article 3, Section B (A-Zones), are areas designated as flood ways. Since the flood way is an extremely hazardous area due to the velocity of flood waters that carry debris, potential projectiles, and have significant erosion potential, the following provisions shall apply:

- (1) Standards of Article 5, Section C.
- (2) Prohibit encroachments, including fill, new construction, substantial improvements and other developments within the regulatory flood way unless it has been

demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

SECTION E. CRITICAL FACILITIES.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA, preferably outside the 0.2 percent annual chance flood plain. Construction of new critical facilities may be permissible within the SFHA if feasible alternative sites are unavailable. Critical facilities constructed within the SFHA shall have the lowest floor elevated to at least three or more feet above the base flood elevation at the site. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the maximum extent possible.

ARTICLE 6. VARIANCES.

SECTION A. DESIGNATION OF VARIANCE AND APPEALS BOARD.

The Planning Commission, as established by the Washington County Board of County Commissioners , shall hear and decide requests for variances from the requirements of this Ordinance.

SECTION B. DUTIES OF VARIANCE BOARD.

The Washington County Planning Commission shall hear any requests for variances or appeals when it is alleged that an error in any requirement, decision, or determination is made by the Flood plain Management Administrator in the enforcement or administration of this Ordinance.

The Planning Commission, after consideration of all the submitted facts by the applicant, will refer the recommendation to the Washington County Board of County Commissioners for final consideration. Any person aggrieved by the decision of the Board of County Commissioners may appeal such decision to the Circuit Court, as provided by Florida Statutes.

SECTION C. CONSIDERATIONS IN GRANTING VARIANCE REQUESTS.

In acting upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, provisions specified in other sections of this Ordinance, 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 flood plain 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,
- (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, and
- (12) The request for variance is not an after-the-fact request.

SECTION D. CONDITIONS FOR VARIANCES.

- (1) Variances may only be issued when there is:
 - (a) A showing of good and sufficient cause,
 - (b) A determination that failure to grant the variance would result in exceptional hardship, and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) Variances may only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this Ordinance.

- (3) Variances shall not be issued within any designated regulatory flood way if any increase in flood levels during the base flood discharge would result.
- (4) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (5) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (a) The criteria of paragraphs (1) through (3) of this Section are met, and
 - (b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SECTION E. VARIANCE NOTIFICATION.

Any applicant to whom a variance is granted shall be notified in writing over the signature of a Washington County official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 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 Flood plain Management Administrator in the Office of the Washington County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

- (3) The Flood plain Management Administrator shall maintain a record of all variance actions, including justification for their issuance or denial, and report such variances issued in its annual biennial report submitted to FEMA.

SECTION F. SPECIAL CONDITIONS.

Upon consideration of the factors listed in Article 6, and the purposes of this Ordinance, the Planning Commission may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this Ordinance.

ARTICLE 7. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

ARTICLE 8. **EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon its passage by the Board of County Commissioners of Washington County, Florida, and upon being duly filed in the Office of the Secretary of State, State of Florida.

ENACTED by the Board of County Commissioners of Washington County, Florida, this _____ day of _____, 2006.

BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, FLORIDA,

ATTEST: _____
CLERK (SEAL)

BY: _____
CHAIRMAN

Approved on January 26, 2006, and filed at the Clerk's Office on January 27, 2006, by Diane Carter.