ORDINANCE NO. 2024 - 024

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE PALM BEACH COUNTY UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, BY AMENDING **ARTICLE 18, PROVIDING FOR FLOOD DAMAGE PREVENTION REGULATIONS**, ADOPTION OF FLOOD HAZARD MAPS, PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS AND SPECIAL FLOOD HAZARD AREAS, PROCEDURES AND CRITERIA FOR ISSUANCE OF VARIANCES, AND FOR OTHER PURPOSES; AMENDING ARTICLE 1 TO PROVIDE FOR DEFINITIONS RELATED TO FLOOD DAMAGE PREVENTION REGULATIONS; AMENDING ARTICLE 2 TO PROVIDE FOR JURISDICTION, AUTHORITY, AND DUTIES RELATED TO FLOOD DAMAGE PREVENTION REGULATIONS; PROVIDING FOR REPEAL OF LAW IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, pursuant to its powers contained in the Florida Constitution, Florida Statutes and the Palm Beach County Charter, is authorized to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified Special Flood Hazard Areas and Flood Hazard Areas within the boundaries of unincorporated Palm Beach County, Florida, and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, Palm Beach County, Florida was accepted for participation in the National Flood Insurance Program on January 31, 1979, and the Board of County Commissioners desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

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

WHEREAS, Section 553.73(5), Florida Statutes, allows adoption of local administrative and technical amendments to the Florida Building Code that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program; and

WHEREAS, Palm Beach County, Florida, is adopting (1) a requirement to apply Coastal High Hazard Area (Zone V/VE) requirements in areas designated as Coastal A Zones, and (2) amendments to the definitions "Substantial Damage" and "Substantial Improvement" to increase resiliency for buildings and structures in Flood Hazard Areas and Special Flood Hazard Areas for the purpose of participating in the National Flood Insurance Program's Community Rating System, and pursuant to Section 553.73(5), Florida Statutes, is formatting that requirement to coordinate with the Florida Building Code; and

WHEREAS, Palm Beach County, Florida, has determined that it is in the public interest to adopt the proposed local technical amendments to the Florida Building Code, and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, and are in compliance with Section 553.73(4), Florida Statutes; and

WHEREAS, the Federal Emergency Management Agency issued Policy Number 104-008-03 in February 2020 establishing standards for agricultural structures and accessory structures within Special Flood Hazard Areas and clarifying the requirements for granting variances and exceptions to these standards in accordance with current Federal Emergency Management Agency regulations; and

WHEREAS, Palm Beach County implements the same standards for structures within Flood Hazard Areas to increase resiliency of structures outside of Special Flood Hazard Areas; and

WHEREAS, Palm Beach County, Florida was accepted for participation in the National Flood Insurance Program's Community Rating System program on October 1, 1991, and the Board of County Commissioners desires to continue to meet the requirements of Community Rating System program to maintain and improve its current Class 5 rating; and

WHEREAS, the Federal Emergency Management Agency issued an addendum to the Community Rating System program in January 2021 modifying the minimum requirements to maintain a Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for Palm Beach County, Florida to maintain the current Class 5 rating, all manufactured homes installed or replaced in Special Flood Hazard Areas must be elevated to or above at least the Base Flood Elevation plus one (1) foot, which necessitates modification of the existing requirements; and

WHEREAS, the Board of County Commissioners has determined that it is in the public interest to adopt the proposed flood damage prevention regulations; and

WHEREAS, the Land Development Regulation Commission has found this proposed Ordinance to be consistent with the adopted Comprehensive Plan; and

WHEREAS, public hearings have been held by the Board of County Commissioners consistent with the requirements set forth in Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. ADOPTION OF AMENDMENTS TO THE UNIFED LAND DEVELOPMENT CODE:

Article 1 and Article 2 of the Palm Beach County Unified Land Development Code are hereby amended as set forth in Exhibit 1, attached hereto and made a part hereof, and Article 18 of the Palm Beach County Unified Land Development Code is hereby amended as set forth in Exhibit 2, attached hereto and made a part hereof.

SECTION 2. FISCAL IMPACT STATEMENT:

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

SECTION 3. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances that apply in Palm Beach County in conflict with any provision of this Ordinance are hereby repealed to the extent of any such conflict.

SECTION 4. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

SECTION 5. SAVINGS CLAUSE:

All development orders, permits, enforcement orders, ongoing enforcement actions, and all other actions of the Board of County Commissioners, all Palm Beach County administrative boards, hearing boards, enforcement boards, special masters, hearing officers, and all other county decision-making officials and boards, issued pursuant to the procedures established by prior Palm Beach County regulations, shall remain in full force and effect. Each individual appointed to the Flood Damage Prevention Board shall serve for the remainder of his or her term.

SECTION 6. INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE:

The provisions of this Ordinance shall become and be made a part of the Unified Land Development Code of Palm Beach County, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "Article,' or any other appropriate word.

SECTION 7. EFFECTIVE DATE:

The provisions of this Ordinance shall become effective December 20, 2024.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 21 day of November, 2024.

ATTEST:

JOSEPH ABRUZZO, CLERK OF THE CIRCUIT COURT & COMPTROLLER

By: _____
Clerk (Deputy)

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Maria G. Marino, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
Ryan Maher, County Attorney

Filed with the Department of State on the 25, day of November, 2024.

EXHIBIT 1

DEFINITIONS AND INTERPRETATION

This exhibit revises the following Article(s):

ARTICLE 1 – GENERAL PROVISIONS
ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

Revision Key: Proposed revisions are shown with new text as underlined, deleted text in strike-out, and relocated text italicized. ~~*Stricken and italicized*~~ means text to be totally or partially relocated. Relocation notes are shown in brackets as **[Relocated to:]** or **[Relocated from:]**. Unaltered text omitted for brevity is indicated by a series of four bolded ellipses**….**

Part 1. ULDC Art. 1.B.1.A, General Provisions, Interpretation of the Code, Interpretations, is hereby amended as follows:

CHAPTER B INTERPRETATION OF THE CODE
Section 1 Interpretations

A. Authority

Interpretations to this Code and the Official Zoning Map shall be made by the Executive Director of PZB or designee with the following exceptions: [Ord. 2011-016]

….

8. The Floodplain ~~Damage Prevention~~ Administrator shall have the authority to interpret Art. 18, Flood Damage Prevention; [Ord. 2011-016]

….

Part 2. ULDC Art. 1.H, General Provisions, Definitions and Acronyms, is hereby amended as follows:

CHAPTER H DEFINITIONS AND ACRONYMS

….

Section 2 Definitions

A. **Terms defined herein or referenced Article shall have the following meanings:**

….

~~*9.* **Accessory Building or Appurtenant Structure –** for the purposes of Art. 18, Flood Damage Prevention, a Structure that is located on the same parcel of property as a principal Structure and the use of which is incidental to the use of the principal Structure. Accessory Structures should constitute a minimal investment not to exceed 25 percent of the value of the primary Structure, shall not be used for human habitation, and be designed to have minimal flood damage potential. Examples of Accessory Buildings or Appurtenant Structures for flood damage purposes are detached garages, carports, storage sheds, and barns. All Structures used for human occupancy shall be deemed principal Structures and shall comply with these regulations, and not be defined as an Accessory Building or Appurtenant Structure. [Ord. 2004-013]~~

9 ~~10~~.**Accessory Building or Structure** ~~– a~~

a. A detached, subordinate structure meeting all property development regulations (PDRs), the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use. Including those joined by a Unity of Title. [Ord. 2023-026]

b. for the purposes of Art 18, Flood Damage Prevention and National Floodplain Insurance Program enforcement only, a structure that is located on the same parcel of property as a principal structure, and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term specifically excludes structures used for human habitation, and includes only structures used for parking and storage. Accessory structures shall constitute a minimal investment not to exceed 25 percent of the value of the primary structure and shall be designed to have minimal flood damage potential. Examples of Accessory Buildings or Structures for flood damage prevention purposes of the Article include, but are not limited to, two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses. All structures used for human occupancy shall be deemed principal structures and shall comply with these regulations, and not be defined as an Accessory Building or Structure.

….[Renumber accordingly]

37. **Agricultural Structure –** for the purposes of Art. 18, Flood Damage Prevention and National Floodplain Insurance Program only, a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in

connection with these purposes or uses are also considered to have agricultural purposes or uses. All structures used for human habitation or occupancy are specifically excluded from this definition and shall comply with the requirements of these regulations and the Florida Building Code and shall not be defined as an Agricultural Structure.

….[Renumber accordingly]

C. **Terms defined herein or referenced Article shall have the following meanings:**

….

31. **Coastal A Zone –** for the purposes of Art. 18, Flood Damage Prevention, Special Flood Hazard Areas that have been delineated as subject to wave heights between one and one-half feet (457 millimeters) and three feet (914 millimeters). Such areas are landward of a V Zone and seaward of the Limit of Moderate Wave Action (LiMWA) shown on the Flood Insurance Rate Map (FIRM).

….[Renumber accordingly]

105. **Critical Facility –** for the purposes of Art. 18, Flood Damage Prevention, a facility for which any flooding would adversely affect essential public services. Critical facilities include, but are not limited to, nursing homes, hospitals, police, fire, and emergency response installation, public utilities, or installations which produce, use, or store hazardous materials or hazardous waste. [Ord. 2004-013]

….[Renumber accordingly]

E. **Terms defined herein or referenced Article shall have the following meanings:**

….

~~42. **Existing Manufactured Home Park or Subdivision –** for the purposes of Art. 18, Flood Damage Prevention, 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 January 31, 1979. [Ord. 2004-013] [Ord. 2017-026]~~

….

~~46. **Expansions to an Existing Manufactured Home Park or Subdivision –** for the purposes of Art. 18, Flood Damage Prevention, the preparation of additional sites by 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. [Ord. 2004-013]~~

….[Renumber accordingly]

F. **Terms defined herein or referenced Article shall have the following meanings:**

….

27. **Flood Hazard Area –** for the purposes of Art. 18, Flood Damage Prevention, the greatest of the following three areas: [Ord. 2017-026]
    a. The area within a floodplain subject to a one percent or greater chance of flooding in any year. [Ord. 2017-026]
    b. The area designated as a Flood Hazard Area on the community's flood hazard map, or otherwise legally designated. [Ord. 2017-026]
    c. The area developed into Building sites without a master-engineered stormwater management system or other approved drainage system ~~plan~~. [Ord. 2017-026]

….

29. ~~Flood Insurance Study – the official report provided by the Federal Emergency Management Agency (FEMA) that contains flood profiles, as well as the Flood Hazard Boundary Map and the Water Surface Elevation of the Base Flood. [Ord. 2004-013]~~

….[Renumber accordingly]

31. Floodplain
    a. The land area adjacent to the normal limits of a watercourse or water body which is inundated during a flood event of specified magnitude or return period.
    b. For the purposes of Art. 18, Flood Damage Prevention, any land area susceptible to flooding, as defined in FIRM and any area without a Master Stormwater Drainage System. ~~master storm water drainage system.~~ [Ord. 2004-013]

….[Renumber accordingly]

L. **Terms defined herein or referenced Article shall have the following meanings:**

….

36. **Limit of Moderate Wave Action (LiMWA) –** for the purposes of Art. 18, Flood Damage Prevention, line shown on FIRMs to indicate the inland limit of the one and one-half feet (457 millimeters) breaking wave height during the Base Flood.

….[Renumber accordingly]

M. **Terms defined herein or referenced Article shall have the following meanings:**

….

16. **Market Value –** for the purposes of Art. 18, Flood Damage Prevention, the value ~~price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable~~

~~knowledge of relevant facts. As used in the Article, the term refers to the Market Value~~ of Buildings and Structures, excluding the land and other improvements on the parcel. Market Value is the ~~may be established by a qualified independent appraiser,~~ Actual Cash Value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate Market Value by a factor provided by the Palm Beach County Property Appraiser ~~or Floodplain Administrator~~. [Ord. 2004-013] [Ord. 2017-026]

….

19. Master Stormwater ~~Storm Water~~ Drainage System – for the purposes of Art. 18, Flood Damage Prevention, an engineered system, which may include culverts, retention areas, water control gates, control devices, earth grading, and/or minimum floor elevations in development of building sites, designed to ensure less than one percent annual chance of flooding of the building sites. [Ord. 2004-013]

….

N. **Terms defined herein or referenced Article shall have the following meanings:**

….

21. **New Manufactured Home Park or Manufactured Home Subdivision –**

~~a. S~~see Manufactured Home Park or Manufactured Home Subdivision.

~~b. For the purposes of Art. 18, Flood Damage Prevention, a Manufactured Home Park or Subdivision for which the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of the Article. [Ord. 2004-013]~~

S. **Terms defined herein or referenced Article shall have the following meanings:**

….

109. **Substantial Damage –** for the purposes of Art. 18, Flood Damage Prevention, damage of any origin sustained by a Building or Structure whereby the cost of restoring the Building or Structure to its before-damaged condition would equal or exceed 45 ~~50~~ percent of the Market Value of the Building or Structure before the damage occurred. This term also includes flood-related damage sustained by a Building or Structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the Market Value of the Structure before the damage occurred. [Ord. 2004-013] [Ord. 2017-026]

110. **Substantial Improvement**

….

b. For the purposes of Art. 18, Flood Damage Prevention, any combination of repairs, reconstruction, rehabilitation, addition, or improvement of a Building or Structure taking place during a five-year period, the cumulative cost of which equals or exceeds 45 ~~50~~ percent of the Market Value of the Structure before the improvement or repair is started. For each Building or Structure, the five-year period begins on the date of the first permit is issued for improvement or repair of that Building or Structure in the preceding five years. If the Structure has sustained Substantial Damage, any repairs are considered Substantial Improvement regardless of the actual repair work performed. The term does not, however, include any project for improvement of a Building required to correct existing health, sanitary, or safety Code Violations identified by the Building Official and that are the minimum necessary to assure safe living conditions. For the purposes of 2-to-4 unit residential and non-residential condominiums, Market Value shall be determined to be a prorated share of the total Market Value of the Building. [Ord. 2004-013] [Ord. 2017-026]

….

Section 3 Abbreviations and Acronyms

….

~~**FHBM** Flood Hazard Boundary Map~~

….

~~**FIA** Federal Insurance Administration~~

….

Part 3. ULDC Art. 2.G.4.A.2, Application Processes and Procedures, Decision Making Bodies, Staff Officials, Building Official, Jurisdiction, Authority, and Duties, is hereby amended as follows:

CHAPTER G DECISION MAKING BODIES

….

Section 4 Staff Officials

A. Building Official

….

2. Jurisdiction, Authority, and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon the Building Official of PZB by other provisions of the PBC Code, the Building Official of PZB shall have the following jurisdictions, authority, and duties under this Code: [Ord. 2011-016]

a. to interpret Art. 18, Flood Damage Prevention when the Building Official is also the Floodplain ~~Damage Prevention~~ Administrator; [Ord. 2011-016]

b. to interpret Art. 5.B.1.C, Temporary Structures; [Ord. 2019-005]

c. to review and approve, approve with conditions, or deny applications for Development Permits for Building Permits; and,

d. to review and approve, approve with conditions, or deny applications for Development Permits for Certificates of Occupancy or Completion.

EXHIBIT 2

FLOOD DAMAGE PREVENTION

This exhibit revises the following Article(s):

ARTICLE 18 – FLOOD DAMAGE PREVENTION

Revision Key: Proposed revisions are shown with new text as underlined, deleted text in strike-out, and relocated text italicized. ~~*Stricken and italicized*~~ means text to be totally or partially relocated. Relocation notes are shown in brackets as **[Relocated to:]** or **[Relocated from:]**. Unaltered text omitted for brevity is indicated by a series of four bolded ellipses**….**

Part 1. ULDC Art. 18, Flood Damage Prevention, is hereby amended as follows:

CHAPTER A ADMINISTRATION, PERMITTING, AND ENFORCEMENT

Section 1 General

A. Title

These regulations shall be known as the Flood Damage Prevention Ordinance of PBC, Florida.

B. Authority

F.S. ch. 125, authorizes the legislative and governing body of PBC, Florida, the power to establish and administer programs of flood control; and the BCC of PBC, Florida, has the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizens.

C. Scope

The provisions of this Article shall apply, within the limits of PBC's jurisdictional authority, to all Development that is wholly within or partially within any Special Flood Hazard Area or Flood Hazard Area, as defined in Art. 1, General Provisions, including but not limited to: the subdivision of land; filling, grading, and other site improvements and utility installations; alteration, remodeling, enlargement, improvement, replacement, repair, relocation, or demolition of Buildings, Structures, and facilities that are exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code; placement, installation, or replacement of Manufactured Homes and Manufactured Buildings; installation or replacement of tanks; placement of Recreational Vehicles; concrete parking pads; installation of swimming pools; and, any other Development.

D. Intent

The purposes of this Article and the flood load and flood-resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of Development in Special Flood Hazard Areas or Flood Hazard Areas to:

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

E. Coordination with the Florida Building Code

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

F. Warning

The degree of flood protection required by this Article and the Florida Building Code, as amended by PBC, is considered the minimum reasonable for regulatory purposes and is

based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside of mapped Special Flood Hazard Areas or Flood Hazard Areas, or that uses permitted within such Special Flood Hazard Areas or Flood Hazard Areas, will be free from flooding or flood damage. The Special Flood Hazard Areas and Base Flood Elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of 44 CFR 59 and 60, may be revised by the Federal Emergency Management Agency, requiring PBC to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guarantee of vested use, existing use, or future use is implied or expressed by compliance with this Article.

G. Disclaimer of Liability

This Article shall not create liability on the part of the PBC BCC or by any officer or employee hereof for any flood damage that results from reliance on this Article or any administrative decision lawfully made thereunder.

Section 2 Applicability

A. General

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

B. Areas to which this Article Applies

This Article shall apply to all Flood Hazard Areas and Special Flood Hazard Areas in unincorporated PBC, as defined in Art. 1, General Provisions and established in Art. 18.A.2.C, Special Flood Hazard Areas below.

C. Special Flood Hazard Areas

The United States Department of Homeland Security's Federal Emergency Management Agency (FEMA) ~~Housing and Urban Development~~, Flood Insurance Study for Palm Beach County ~~PBC~~, Florida, and Incorporated ~~Unincorporated~~ Areas dated December 20, 2024, ~~October 5, 2017~~ and all subsequent amendments and revisions to such studies, and the accompanying Flood Insurance Rate~~s~~ Maps and all subsequent amendments and revisions to such maps, shall serve as the minimum basis for establishing Flood Hazard Areas and Special Flood Hazard Areas, including those areas developed into lots or Building sites without minimum floor elevations engineered from a Master Stormwater Drainage System ~~master stormwater drainage network~~. Studies and maps that establish Flood Hazard Areas and Special Flood Hazard Areas are on file at the PBC Department of Planning, Zoning and Building located at 2300 North Jog Road, West Palm Beach, Florida 33411 and are available online through the Department's homepage.

D. Submission of Additional Data to Establish Special Flood Hazard Areas

The Floodplain Administrator may require the submission of additional data to establish Special Flood Hazard Areas and Base Flood Elevations, pursuant to Art. 18.A.5, Site Plans and Construction Documents. Where field-surveyed topography prepared by a Florida-licensed professional Surveyor or digital topography accepted by PBC indicates that ground elevations are either:

1. at or below the closest applicable Base Flood Elevation, even in areas not delineated as a Special Flood Hazard Area on a FIRM, the area shall be considered as Special Flood Hazard Area and subject to the requirements of this Article and, as applicable, the requirements of the Florida Building Code; or
2. above the closest applicable Base Flood Elevation, the area shall be regulated as Special Flood Hazard Area unless the Applicant obtains a Letter of Map Change that removes the area from the Special Flood Hazard Area.

E. Other Laws

The provisions of this Article shall not be deemed to nullify any provisions of Local, State, or Federal law.

F. Abrogation and Greater Restrictions

This Article supersedes any Ordinance in effect for management of Development in Special Flood Hazard Areas. However, it is not intended to repeal or abrogate any existing Ordinances including but not limited to land development regulations, Zoning Ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this Article and any other regulations, the more restrictive shall govern. This Article shall not impair any deed restriction, covenant, or easement, but any land that is subject to such interests shall also be governed by this Article.

G. Interpretation

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

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

Section 3 Duties and Powers of the Floodplain Administrator and the Flood Damage Prevention Board

A. Designation

1. The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
2. The BCC of PBC hereby designates ~~the 11 members of~~ the Construction Board of Adjustment and Appeals to act as the Flood Damage Prevention Board. The Flood Damage Prevention Board shall hear and decide Appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this Article and shall decide any Variance request following procedures in Art. 18.A.7, Appeals and Variances.

B. General

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this Article. The Floodplain Administrator shall have the authority to render interpretations of this Article consistent with the intent and purpose of this Article, and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Article without the granting of a Variance by the Flood Damage Prevention Board, pursuant to Art. 18.A.7, Appeals and Variances.

C. Applications and Permits

The Floodplain Administrator, in coordination with other pertinent offices of PBC, shall:

1. Review applications and plans to determine whether proposed new Development will be located in Special Flood Hazard Areas or Flood Hazard Areas;
2. Review applications for modification of any existing Development in Special Flood Hazard Areas or Flood Hazard Areas for compliance with the requirements of this Article;
3. Interpret Special Flood Hazard Area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to Appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an Applicant;
6. Review applications to determine whether proposed Development will be reasonably safe from flooding;
7. Issue Floodplain Development Permits or Approvals for Development other than Buildings and Structures that are subject to the Florida Building Code, including Buildings, Structures, and facilities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, when compliance with this Article is demonstrated, or disapprove the same in the event of non-compliance; and,
8. Coordinate with and provide comments to assure that applications, plan reviews, and inspections for development satisfy ~~Buildings and Structures in Special Flood Hazard Areas comply with~~ the applicable provisions of this Article.

D. Substantial Improvement and Substantial Damage Determinations

For applications for Building Permits to improve Buildings and Structures, including alterations, relocation, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, Substantial Improvements, repairs of Substantial Damage, and any other improvement of or work on such Buildings and Structures, the Floodplain Administrator, acting as the Building Official, shall:

1. Estimate the Market Value, or require the Applicant to obtain an appraisal of the Market Value prepared by a qualified independent appraiser, of the Building or Structure before the Start of Construction of the proposed work; in the case of repair, the Market Value of the Building or Structure shall be the Market Value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged Building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the Market Value of the Building or Structure;
3. Determine and document whether the proposed work constitutes Substantial Improvement or repair of Substantial Damage; the determination requires evaluation of previous permits issued for improvements and repairs, as specified in the definition of “Substantial Improvement;” for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage, as specified in the definition of “Substantial Damage;” and,
4. Notify the Applicant if it is determined that the work constitutes Substantial Improvement or repair of Substantial Damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this Article is required.

E. Modifications of the Strict Application of the Requirements of the Florida Building Code

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a Variance pursuant to Art. 18.A.7, Appeals and Variances.

F. Notices and Orders

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this Article.

G. Inspections

The Floodplain Administrator or designee shall make the required inspections, as specified in Art. 18.A.6, Inspections, for Development that is exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code. The Floodplain Administrator or designee shall inspect Special Flood Hazard Areas and Flood Hazard Areas to determine if Development is undertaken without issuance of a permit.

H. Other Duties of the Floodplain Administrator

The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish procedures for administering and documenting determinations of Substantial Improvement and Substantial Damage made pursuant to Art. 18.A.3.D, Substantial Improvement and Substantial Damage Determinations;
2. Require that Applicants proposing Alteration of a Watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require Applicants who submit hydrologic and hydraulic engineering analyses in support of permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change Base Flood Elevations, Special Flood Hazard Area boundaries, or Floodway designations; such map revision submissions shall be filed with FEMA prior to permit issuance and ~~made~~ within six months of such data becoming available. The Floodplain Administrator may withhold final approval, including Certificate of Occupancy or Certificate of Completion, pending FEMA acceptance of the proposed revision;
4. Review required design certifications and documentation of elevations specified by this Article and the Florida Building Code to determine that such certifications and documentations are complete;
5. Notify FEMA when the boundaries of unincorporated PBC are modified; and,
6. Advise Applicants for New Buildings and Structures, including Substantial Improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Public Law 97-348) and the Coastal Barrier Improvement Act of 1990 (Public Law 101-591) that Federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier Resource System Areas” and “Otherwise Protected Areas.”

I. Floodplain Management Records

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this Article and the flood-resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes Substantial Improvement or repair of Substantial Damage; required design certifications and documentation of elevations specified by the Florida Building Code and this Article; notifications to adjacent communities, FEMA, and the State related to Alterations of Watercourses; assurances that the flood-carrying capacity of altered watercourses will be maintained; documentation related to Appeals and Variances, including justification for issuance or denial; and, records of enforcement actions taken pursuant to this Article and the flood-resistant construction requirements of the Florida Building Code. These records are available for public inspection at the PBC Department of Planning, Zoning and Building at 2300 North Jog Road, West Palm Beach, Florida 33411.

Section 4 Permits

A. Permits Required

Any owner or owner’s authorized agent (hereinafter “applicant”) who intends to undertake any Development activity within the scope of this Article, including Buildings, Structures, and facilities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, which is wholly within or

partially within any Special Flood Hazard Area or Flood Hazard Area shall first make application to the Floodplain Administrator and the Building Official, if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this Article has been satisfied.

B. Floodplain Development Permits or Approvals

Floodplain Development Permits or Approvals shall be issued pursuant to this Article for any Development activities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code. Depending on the nature and extent of proposed Development that includes a Building or Structure, the Floodplain Administrator may determine that a Floodplain Development Permit or Approval is required in addition to a Building Permit.

C. Buildings, Structures, and Facilities Exempt from the Florida Building Code

Pursuant to the requirements of Federal regulation for participation in the National Flood Insurance Program (44 CFR 59 and 60), Floodplain Development Permits or Approvals shall be required for the following Buildings, Structures, and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this Article:

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

D. Application for a Permit or Approval

To obtain a Floodplain Development Permit or Approval outside of the Building Permit process, the applicant shall first file an application in writing on a form furnished by PBC. The information provided shall:

1. Identify and describe the Development to be covered by the permit or approval.
2. Describe the land on which the proposed Development is to be conducted by legal description, street address, or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed Development is intended.
4. Be accompanied by a Site Plan or construction documents, as specified in Art. 18.A.5, Site Plans and Construction Documents.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

E. Validity of Permit or Approval

The issuance of a Floodplain Development Permit or Approval pursuant to this Article shall not be construed to be a permit for, or approval of, any Violation of this Article, the Florida Building Code, or any other Ordinance of PBC. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

F. Suspension or Revocation

The Floodplain Administrator is authorized to suspend or revoke a Floodplain Development Permit or Approval if the permit was issued in error, on the basis of incorrect or incomplete information, or in Violation of this Article or any other Ordinance, regulation, or requirement of PBC.

G. Expiration

A Floodplain Development Permit or Approval shall become invalid unless the work authorized by such permit is commenced within six months after its issuance or the issuance of a Building Permit, whichever comes last, or if the work authorized is suspended or abandoned for a period of six months after the work commences. Extensions for periods of not more than six months each shall be requested in writing prior to expiration and justifiable cause shall be demonstrated. In no case shall the permit or approval remain valid when FIRMs are updated, unless Development is under construction.

H. Other Permits Required

Floodplain Development Permits shall include a statement that all other applicable State or Federal permits shall be obtained before commencement of the permitted Development, including, but not limited to, the following: [Ord. 2022-019]

1. The South Florida Water Management District; F.S. § 373.036.
2. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 62-6, F.A.C. [Ord. 2022-019]
3. PBC Department of Environmental Resources Management, as applies.
4. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the Coastal Construction Control Line; F.S. § 161.141.
5. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
6. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
7. Federal permits and approvals.

Section 5 Site Plans and Construction Documents

A. Information for Development in Special Flood Hazard Areas and Flood Hazard Areas

The Site Plan or construction documents for any Development subject to the requirements of this Article shall be drawn to scale and shall include, as applicable to the proposed Development:

1. Delineation of Special Flood Hazard Areas, Floodway boundaries and flood zone(s), Base Flood Elevation(s), and ground elevations, if necessary, for review of the proposed Development.
2. Where Base Flood Elevations or Floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Art. 18.A.5.B.2 or Art. 18.A.5.B.3 below.
3. Where the parcel on which the proposed Development will take place will have more than 50 lots or is larger than five acres and the Base Flood Elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Art. 18.A.5.B.1.
4. Location of the proposed activity and proposed Structures, and locations of existing Buildings and Structures; in Coastal High Hazard Areas and Coastal A Zones, New Buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount, pre-construction, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of structural fill is permitted in accordance with Art. 18.D.5, Limitations on Placement of Fill ~~proposed~~, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and, evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the Coastal Construction Control Line, if applicable.
8. Extent of any proposed alteration of Sand Dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed Alteration of a Watercourse.
10. Subdivisions of more than three lots or greater than ten acres shall provide an electronic subdivision topographic plan.
11. Where the proposed Development will take place on a parcel greater than five acres or will have more than 50 lots and the proposed Development will modify Special Flood Hazard Area boundaries or Base Flood Elevations, the applicant shall submit hydrologic, hydrologic, hydraulic, or other engineering data, studies, and additional analyses for such modifications to FEMA for a Letter of Map Revision (MT-2) as specified in Art. 18.A.5.D, Submission of Additional Data.

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

B. Information in Special Flood Hazard Areas without Base Flood Elevations or Depths (Approximate Zone A or Zone AO)

Where Special Flood Hazard Areas are delineated on the FIRM and Base Flood Elevation or Depth data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include Base Flood Elevation data prepared in accordance with currently accepted engineering practices.

2. Obtain, review, and provide to applicants Base Flood Elevation and Floodway data available from a Federal or State agency or other source, or require the applicant to obtain and use Base Flood Elevation and Floodway data available from a Federal or State agency or other source.
3. Where Base Flood Elevation and Floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
   a. Require the applicant to include Base Flood Elevation data prepared in accordance with currently accepted engineering practices; or
   b. Specify that the Base Flood Elevation is two feet above the highest adjacent grade (natural ~~finished~~) at the location of the Development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
4. Where the Base Flood Elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida-licensed Engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

C. Additional Analyses and Certifications

As applicable to the location and nature of the proposed Development activity, and in addition to the requirements of this Section, the applicant shall have the following analyses signed and sealed by a Florida-licensed Engineer for submission with the Site Plan and construction documents:

1. For Development activities proposed to be located in a regulatory Floodway, a Floodway Encroachment Analysis that demonstrates that the encroachment of the proposed Development will not cause any increase in Base Flood Elevations; where the applicant proposes to undertake Development activities that do increase Base Flood Elevations, the applicant shall submit such analysis to FEMA, as specified in Art. 18.A.5.D, Submission of Additional Data, and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the Site Plan and construction documents.
2. For Development activities proposed to be located in a riverine Special Flood Hazard Area for which Base Flood Elevations are included in the Flood Insurance Study or on the FIRM and Floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed Development, when combined with all other existing and anticipated Flood Hazard Area encroachments, will not increase the Base Flood Elevation more than one foot at any point within the community. This requirement does not apply in isolated Special Flood Hazard Areas not connected to a riverine Special Flood Hazard Area or in Special Flood Hazard Areas identified as Zone AO or Zone AH.
3. For Alteration of a Watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Art. 18.A.5.D, Submission of Additional Data.
4. For activities that propose to alter Sand Dunes or mangrove stands in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.
5. For development activities in a Flood Hazard Area as defined in Art. 1, General Provisions, the Floodplain Administrator may require the applicant to include a Base Flood Elevation analysis prepared in accordance with currently accepted engineering practices.

D. Submission of Additional Data

When additional hydrologic, hydraulic, or other engineering data, studies, and additional analyses are submitted to support an application, the applicant shall ~~has the right to~~ seek a Letter of Map Change from FEMA to change the Base Flood Elevations, change Floodway boundaries, or change boundaries of Special Flood Hazard Areas shown on FIRMs, and shall ~~to~~ submit such data to FEMA for such purposes prior to floodplain development approval or Building Permit issuance. The analyses shall be prepared by a Florida-licensed Engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 6 Inspections

A. General

Development for which a Floodplain Development Permit or Approval is required shall be subject to inspection.

B. Development other than Buildings and Structures

The Floodplain Administrator shall inspect all Development to determine compliance with the requirements of this Article and the conditions of issued Floodplain Development Permits or Approvals.

C. Buildings, Structures, and Facilities Exempt from the Florida Building Code

The Floodplain Administrator shall inspect Buildings, Structures, and facilities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, to determine compliance with the requirements of this Article and the conditions of issued Floodplain Development Permits or Approvals.

D. Lowest-Floor Inspection for Buildings, Structures, and Facilities Exempt from the Florida Building Code

Upon placement of the Lowest Floor, including Basement, and prior to further vertical construction, the owner of a Building, Structure, or facility exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a Design Flood Elevation was used to determine the required elevation of the Lowest Floor, the certification of elevation of the Lowest Floor prepared and sealed by a Florida-licensed professional Surveyor; or
2. If the elevation used to determine the required elevation of the Lowest Floor was determined in accordance with Art. 18.A.5.B.3.b, the documentation of height of the Lowest Floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

E. Final Inspection for Buildings, Structures, and Facilities Exempt from the Florida Building Code

As part of the final inspection for Buildings, Structures, and facilities exempt from the Florida Building Code, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the Lowest Floor and/or final documentation of the height of the Lowest Floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Art. 18.A.6.D, Lowest-Floor Inspection for Buildings, Structures, and Facilities Exempt from the Florida Building Code.

F. Manufactured Homes

The Floodplain Administrator shall inspect Manufactured Homes that are installed or replaced in Special Flood Hazard Areas to determine compliance with the requirements of this Article and the conditions of the issued permit. Upon placement of a Manufactured Home, certification of the elevation of the Lowest Floor shall be submitted to the Floodplain Administrator.

Section 7 Appeals and Variances

A. General

The Flood Damage Prevention Board shall hear and decide on all requests for Appeals or Variances from the strict application of this Article.

B. Appeal Procedures

1. A request to ~~for~~ Appeal ~~to~~ the decision of the Floodplain Administrator enforcing the provisions of this Article shall include reference to this this Section, and the applicant's technical basis of contesting the decision of the Floodplain Administrator. The Appeal shall be filed in writing within 30-calendar days after the decision is rendered by the Floodplain Administrator. Failure to timely file an Appeal shall be deemed a waiver of the applicant's ability to seek relief for said decision. An Appeal may be filed whenever any one of the following conditions are claimed to exist:
   a. The Floodplain Administrator rejected or refused to approve the applicant's request;
   b. The provisions of this Article do not apply to the applicant's specific case;
   c. That an equally good or more desirable method can be employed and fully meet the intent of this Article, which the Floodplain Administrator has rejected;
   d. The true intent and meaning of this Article or any of the regulations there under have been misconstrued or incorrectly interpreted.
2. The Flood Damage Prevention Board shall hear Appeal requests at the next available meeting within 60 days of date of Appeal. This 60-day period may be extended upon mutual consent of the Floodplain Administrator and the applicant.
3. At the conclusion of the hearing, the Flood Damage Prevention Board shall orally render a decision based on testimony and evidence entered into the record. An order setting forth findings of fact and conclusion of law shall then be delivered to the appellant.
4. The applicant or PBC may Appeal a decision of the Flood Damage Prevention Board to the Circuit Court of PBC, Florida, by Petition for Writ of *Certiorari*; any Appeal filed

pursuant to this Article shall be considered timely if filed within 30 days of the execution of the order to be Appealed.

C. Variance Procedures

1. An initial request for a Variance from the provisions of this Article shall be filed in writing by the affected party with the Floodplain Administrator.
2. The Flood Damage Prevention Board shall hear Variance requests at the next available meeting. In acting upon Variance applications, the Flood Damage Prevention Board shall consider all technical evaluations, all relevant factors, and standards specified in other Sections of this Article; and
   a. The danger that materials may be swept onto other lands to the injury of others;
   b. The danger to life and property due to flooding or erosion damage;
   c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   d. The importance of the services provided by the proposed facility to the community;
   e. The necessity to the facility of a waterfront location;
   f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
   g. The compatibility of the proposed use with existing and anticipated Development;
   h. The relationship of the proposed use to the comprehensive plan and flood damage prevention program for that area;
   i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
   j. The expected heights, velocity, duration, rate of rise, and sediment of transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
   k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electric, and water systems, and streets and bridges; and,
   l. The negative effect a Variance may have on the county rating under the FEMA Community Rating System.
3. The applicant or PBC may Appeal a decision of the Flood Damage Prevention Board to the Circuit Court of PBC, Florida, by a Petition for Writ of *Certiorari*; any Appeal filed pursuant to this Article shall be considered timely if filed within 30 days of the execution of the order to be Appealed.

D. Restrictions in Floodways

A Variance shall not be issued for any proposed Development in a Floodway if any increase in Base Flood Elevations would result, as evidenced by the applicable analyses and certifications required in Art. 18.A.5.C, Additional Analyses and Certifications.

E. Historic Buildings

A Variance is authorized to be issued for the repair, improvement, or rehabilitation of a Historic Building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building Chapter ~~11~~12, Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the Building's continued designation as a Historic Building and the Variance is the minimum necessary to preserve the historic character and design of the Building. If the proposed work precludes the Building's continued designation as a Historic Building, a Variance shall not be granted upon this basis and the Building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

F. Functionally-Dependent Uses

A Variance is authorized to be issued for the construction or Substantial Improvement necessary for the conduct of a Functionally-Dependent Use, as defined in Art. 1, General Provisions, provided the Variance is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the Base Flood.

G. Conditions for Issuance of Variances

Variances shall be issued only upon:

1. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this Article or the required elevation standards.
2. Determination by the Flood Damage Prevention Board that:
   a. Failure to grant the Variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
   b. The granting of a Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws and ordinances; and,
   c. The Variance is the minimum necessary, considering the flood hazard, to afford relief.

H. Certain At-Grade Accessory Structures

A Variance is authorized to be issued for the construction or substantial improvement of certain at-grade accessory structures located in Flood Hazard Areas and Special Flood Hazard Areas (Zone A/AE/AH/AO) other than Coastal High Hazard Areas and Coastal A Zones that are larger than the size limits specified in Art. 18.B.4, Permits, provided the requirements of this Section are satisfied, the accessory structures are used only for parking or storage, and:

1. Represent minimal investment and has low damage potential.
2. Are one story and not larger than 1,200 square feet in size, and have flood openings in accordance with the Florida Building Code, Residential Section R322.2.
3. Are anchored to resist flotation, collapse, or lateral movement resulting from flood loads.
4. Have flood damage-resistant materials used below the Base Flood Elevation plus one (1) foot.
5. Have mechanical, plumbing, and electrical systems, including plumbing fixtures, elevated to or above the Base Flood Elevation plus one (1) foot.

I. Agricultural Structures

A Variance is authorized to be issued for the construction or substantial improvement of at-grade agricultural structures in Flood Hazard Areas and Special Flood Hazard Areas provided the requirements of this section are satisfied and:

1. A determination has been made that the proposed agricultural structure:
   a. Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.
   b. Has low damage potential (amount of physical damage, contents damage, and loss of function).
   c. Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including, but not limited to, the effects of flooding on manure storage, livestock confinement operations, liquefied natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.
   d. Is not located in a Coastal High Hazard Area (Zone V/VE) or Coastal A Zone, except for aquaculture structures dependent on close proximity to water.
   e. Complies with the wet floodproofing construction requirements of paragraph (2) below.
2. Wet floodproofing construction requirements.
   a. Anchored to resist flotation, collapse, and lateral movement.
   b. When enclosed by walls, walls have flood openings that comply with the flood opening requirements of ASCE 24 Chapter 2.
   c. Flood damage-resistant materials are used below the Base Flood Elevation plus one (1) foot.
   d. Mechanical, electrical, and utility equipment, including plumbing fixtures, are elevated above the Base Flood Elevation plus one (1) foot.

J ~~H~~.Limitations on Authority to Grant Variances

The Flood Damage Prevention Board shall base its decisions on Variances on technical justifications submitted by applicants, the considerations for issuance in Art. 18.A.7.C.2, the conditions of issuance set forth in Art. 18.A.7.G, Conditions for Issuance of Variances, and the comments and recommendations of the Floodplain Administrator. The Flood Damage Prevention Board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this Article.

K ~~I~~.Variance Notification

Any applicant to whom a Variance is granted shall be given a written order, bearing the signature of the Chairperson of the Flood Damage Prevention Board, indicating the difference between the Base Flood Elevation and the proposed elevation of the Lowest Floor, stating the issuance of a Variance to construct a Structure or Substantial Improvement below the required elevation, or otherwise not comply with the requirements of this Article, may result in substantial increase in the cost of Federal flood insurance (up to amounts as high as 25 dollars for 100 dollars of insurance coverage) and such non-compliance construction increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the PBC Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land in the Official Records of PBC. The Floodplain Administrator will maintain a record of all Variance actions, including justification for their issuance, and report such Variances issued in its biennial report submitted to FEMA.

Section 8 Violations

A. Violations
Any Development that is not within the scope of the Florida Building Code, but that is regulated by this Article, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this Article, shall be deemed a Violation of this Article. A Building or Structure without the documentation of elevation of the Lowest Floor, other required design certifications, or other evidence of compliance required by this Article or the Florida Building Code is presumed to be a Violation until such time as that documentation is provided.

B. Authority
The Floodplain Administrator is authorized to serve notices of Violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work for Development that is not within the scope of the Florida Building Code, but that is regulated by this Article, as listed in Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, and that is determined to be a Violation.

C. Unlawful Continuance
Any person who shall continue any work after having been served with a notice of Violation or a stop work order, except such work as that person is directed to perform to remove or remedy a Violation or unsafe condition, shall be subject to penalties as prescribed by law.

D. Penalties for Violation
Violation of this Article or failure to comply with any of its requirements, including Violation of conditions and safeguards established in connection with grants of Variances shall be enforceable pursuant to the Code Enforcement Procedures established in F.S. ch. 162, pt. I and pt. II, as amended or replaced, and Art. 10, Enforcement. Each day such Violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator or PBC from taking such other lawful actions as are necessary to prevent or remedy any Violation, including enforcement pursuant to F.S. § 125.69, as amended or replaced. Any person who receives a conviction pursuant to F.S. § 125.69, as amended or replaced, for violating or failing to comply with any of the requirements herein shall, upon conviction hereof, be fined not more than 500 dollars or imprisoned for not more than 60 days.

CHAPTER B BUILDINGS AND STRUCTURES

Section 1 Design and Construction of Buildings, Structures, and Facilities Exempt from the Florida Building Code

Pursuant to Art. 18.A.4.C, Buildings, Structures, and Facilities Exempt from the Florida Building Code, Buildings, Structures, and facilities that are exempt from the Florida Building Code, including Substantial Improvement or repair of Substantial Damage of such Buildings, Structures, and facilities, shall be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Certain agricultural structures exempt from the Florida Building Code may qualify for relief from the provisions of ASCE 24 by issuance of a variance pursuant to Art. 18.A.7.I, Agricultural Structures. Structures exempt from the Florida Building Code that are not walled and roofed Buildings shall comply with the requirements of Art. 18.H, Other Development.

Section 2 Buildings and Structures Seaward of the Coastal Construction Control Line

If extending, in whole or in part, seaward of the Coastal Construction Control Line and also located, in whole or in part, in a Special Flood Hazard Area:

A. Buildings and Structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.

B. Minor Structures and non-habitable major Structures, as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this Article and ASCE 24.

Section 3 Specific Methods of Construction and Requirements

In addition to the requirements of this Article and the Florida Building Code, the following specific methods of construction apply:

A. Application of Flood-Resistant Requirements
The following "higher standards" shall apply to all properties located within unincorporated PBC, as described in this Section.

B. Additional Elevation of Buildings (Freeboard)

1. For New Construction and Substantial Improvements, including electrical systems, equipment and components, heating, ventilating, air conditioning, plumbing appliances

and plumbing fixtures, duct systems, and other service equipment, in Zones AE, AH, and VE, the minimum elevation requirement (for the Lowest Floor or lowest horizontal member, as applicable) shall be at least one foot above the Base Flood Elevation. In areas without a Master Stormwater Drainage System ~~master stormwater drainage system~~, the minimum elevation requirement shall be the higher of one foot above the Base Flood Elevation or 18 inches above the Lowest Adjacent Road Crown (LARC). Flood-proofing, to a minimum of one foot above the Base Flood Elevation, subject to the limitations of applicable provisions of the Florida Building Code, as may be amended, may be used in flood zones other than Coastal High Hazard Areas and Coastal A Zones.

2. For New Construction and Substantial Improvements, including electrical systems, equipment and components, heating, ventilating, air conditioning, plumbing appliances and plumbing fixtures, duct systems, and other service equipment, in approximate Zone A, the minimum elevation requirement (for the Lowest Floor or lowest horizontal member, as applicable) shall be one foot above the Base Flood Elevation, as determined pursuant to Art. 18.A.5.B, Information in Special Flood Hazard Areas without Base Flood Elevations (Approximate Zone A). In areas without a Master Stormwater Drainage System ~~master stormwater drainage system~~, the minimum elevation requirement shall be the higher of one foot above the Base Flood Elevation or 18 inches above the LARC. Flood-proofing may be used, subject to the limitations of the applicable provisions of the Florida Building Code, as may be amended.
3. For New Construction and Substantial Improvements, including electrical systems, equipment and components, heating, ventilating, air conditioning, plumbing appliances and plumbing fixtures, duct systems, and other service equipment, in Zone AO, the minimum elevation requirement shall be at least one foot greater than the depth specified by FEMA on the Flood Insurance Rate Maps above natural grade. If a depth is not specified, the minimum elevation requirement shall be at least three ~~two~~ feet above the highest adjacent grade. In areas without a Master Stormwater Drainage System ~~master stormwater drainage system~~, the minimum elevation requirement shall be the higher of one foot above the depth number or 18 inches above the LARC. Flood-proofing may be used, subject to the limitations of the applicable provisions of the Florida Building Code, as may be amended.
4. For New Construction and Substantial Improvements, including electrical systems, equipment and components, heating, ventilating, air conditioning, plumbing appliances and plumbing fixtures, duct systems, and other service equipment, in Zones X, X500, and areas not studied (Zone D), without a Master Stormwater Drainage System ~~master stormwater drainage system~~, the Base Flood Elevation shall be at least 18 inches above the LARC. Flood-proofing may be used, subject to applicable provisions of the Florida Building Code, as may be amended.

C. Substantial Improvement and Substantial Damage

For the administration of the flood provisions of the Florida Building Code, Building Volume and Existing Building Volume, the definitions in Art. 1.H.2, Definitions, for “Substantial Improvement” and “Substantial Damage” shall apply.

D. Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of SFHAs. Construction of new critical facilities may be permissible within a SFHA if no feasible alternative site is available. If permitted, critical facilities shall be elevated or protected to or above the Base Flood Elevation, plus three feet, or the 500-year (0.2 percent chance) flood elevation, whichever is higher. In AO Zones, critical facilities shall be elevated or protected to three feet above the depth number specified on the FIRM. If a depth number is not specified, the minimum elevation requirement shall be at least four feet above the highest adjacent natural grade. Flood-proofing may be used, subject to the applicable provisions of the Florida Building Code, as may be amended. Access routes elevated to or above the level of the Base Flood Elevation or Depth specified on the FIRM shall be provided to all critical facilities.

E. Construction in Coastal A Zone

All construction in Coastal A Zones shall be designed and constructed in accordance with the Coastal High Hazard Area (Zone V/VE) requirements of the Florida Building Code. Dry floodproofing of non-residential buildings and backfilled stem wall foundations are not permitted.

Section 4 Non-Elevated Accessory Structures

Accessory structures are permitted below the elevations required by the Florida Building Code and this Code provided the accessory structures are used only for parking or storage and:

A. If located in Special Flood Hazard Areas (Zone A/AE/AH/AO) other than Coastal High Hazard Areas and Coastal A Zone, are one story and not larger than 600 square feet and have flood openings in accordance with the Florida Building Code, Residential Section R322.2;

B. If located in Coastal High Hazard Areas (Zone V/VE) or Coastal A Zones, are not located below elevated buildings and are not larger than 100 square feet;
C. Are anchored to resist flotation, collapse, or lateral movement resulting from flood loads;
D. Have flood damage-resistant materials used below the Base Flood Elevation or Depth plus one (1) foot; and
E. Have mechanical, plumbing, and electrical systems, including plumbing fixtures elevated to or above the Base Flood Elevation or Depth plus one (1) foot.

CHAPTER C SUBDIVISIONS

Section 1 Minimum Requirements

Subdivision proposals, including proposals for Manufactured Home Parks and Subdivisions, shall be reviewed to determine that:

A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and,
C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed Structures.

Section 2 Subdivision Plats

Where any portion of proposed subdivisions, including Manufactured Home Parks and Subdivisions, lies within a Special Flood Hazard Area, the following shall be required:

A. Delineation of Special Flood Hazard Areas, Floodway boundaries and flood zones, and Design Flood Elevations, as appropriate, shall be shown on a separate exhibit submitted with a Technical Compliance Application for platting, pursuant to Art. 11, Subdivision, Platting, and Required Improvements;
B. Where the subdivision has more than 50 lots or is larger than five acres and Base Flood Elevations are not included on the FIRM, the Base Flood Elevations determined in accordance with Art. 18.A.5.B.1; ~~*and,*~~
C. Compliance with the site improvement and utilities requirements of Art. 18.D, Site Improvements, Utilities, and Limitations; ~~.~~ *and,*
D. Where the subdivision has more than 50 lots or is larger than five acres and a Master Stormwater Drainage System has modified Special Flood Hazard Area boundaries or Base Flood Elevations, the applicant shall submit hydrologic, hydraulic, or other engineering data, studies, and additional analyses to FEMA for a Letter of Map Revision (MT-2) as specified in Art. 18.A.5.D, Submission of Additional Data.

CHAPTER D SITE IMPROVEMENTS, UTILITIES, AND LIMITATIONS

Section 1 Minimum Requirements

All proposed new Development shall be reviewed to determine that:

A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and,
C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed Structures.

Section 2 Sanitary Sewage Facilities

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 62-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems. [Ord. 2022-019]

Section 3 Water-Supply Facilities

All new and replacement water-supply facilities shall be designed in accordance with the water well construction standards in Art. 15, Health Regulations, Rule 62-532.500, F.A.C., and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

Section 4 Limitations on Sites in Regulatory Floodways

No Development, including but not limited to site improvements and land-disturbing activity involving fill or regrading, shall be authorized in the regulatory Floodway, unless the Floodway Encroachment Analysis required in Art. 18.A.5.C, Additional Analyses and Certifications demonstrates that the proposed Development or land-disturbing activity will not result in any increase in the Base Flood Elevation.

Section 5 Limitations on Placement of Fill

Subject to the limitations of this Article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support Buildings and Structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

A. Grading and Earth Fill

1. Grading

On all new, permitted construction, regardless of flood zone designation, grading shall keep all rainfall and runoff flow on the Building site, until discharged into the roadway drainage system or to public drainage ways adjacent to the property lines. Berms shall be constructed along lot lines, if necessary, to prevent stormwater flow directly onto adjacent properties. Erosion sedimentation off the Building site shall be controlled until vegetative cover is established. The Floodplain Administrator may require grading plans showing pre-construction and proposed finish earth grades.

2. Earth Fill

On all New Construction, earth fill brought onto the site of construction from another site shall be minimized to maximize existing floodwater storage capacity. Maximum volume of imported fill shall be limited to that necessary to raise an earth pad to elevate the slab-on-grade not more than six inches above minimum floor elevation set in this Article, with side slopes of the pad of one to ~~five~~ four (vertical to horizontal), to one to three starting ten feet from the slab edges until natural grade is reached.

3. Fill in Zone V

Structural fill shall not be utilized in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones.

4. Lot and Building Site Drainage

Site grading immediately adjacent to the perimeter of each Building constructed as slab-on-grade shall be sloped so as to drain or direct water away from the Structure.

5. Exceptions from the Requirements in this Section

a. Only on Building sites requiring raised septic mounds to PBC Health Department minimum elevations, will additional volume of fill be allowed to construct the mound and to elevate the structure, as limited in Art. 18.D.5.A.2, Earth Fill;

b. Earth fill dug from an on-site excavation may be allowed ~~shall be unregulated~~ if in accordance with the regulations in the ULDC, and provided finish grade directs lot drainage back into the excavation;

c. Any volume of fill for placement inside the perimeter foundation walls to raise an interior concrete slab to any higher elevation shall be allowed;

d. Fill shall be permitted to raise earthen berms on side property lines to prevent drainage onto adjacent lots, provided said berms have side slopes of one to ~~five~~ four (vertical to horizontal), to one to three, with a triangular cross section;

e. Fill shall be allowed inside retaining walls for Building access ramps or driveway ramps required by the American Disabilities Act (ADA);

f. Fill necessary to direct on-site drainage to the public roadway or drainage system shall also be permitted;

g. Minimum fill for sites that have sloping topography that do not store floodwater shall be permitted. Any fill in excess of this minimum grading requirement shall be subject to approval of the Flood Damage Prevention Board as a Variance;

h. Fill necessary for critical facilities and public service Buildings; and,

i. Areas included within a South Florida Water Management District permit shall be filled and graded in accordance with the fill and grading design conditions identified in said permit even when elevations are more than six inches above the maximum ~~minimum~~ floor elevation set in Art. 18.D.5.A.2, Earth Fill.

Section 6 Limitations on Sites and Activities in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones

In Coastal High Hazard Areas~~,~~ and Coastal A Zones:

A. ~~a~~Alteration of Sand Dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Art. 18.A.5.C.4 demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of

dunes under or around elevated Buildings and Structures shall comply with Art. 18.H.8.C and Art. 14.A.13.

B. Pedestrian and vehicular traffic shall be limited to designated beach access points, dune crossovers, beach walkways, piers, or any other structure designed for such traffic to minimize adverse impact to sand dunes and mangrove stands.

CHAPTER E MANUFACTURED HOMES

Section 1 General

All Manufactured Homes installed in Special Flood Hazard Areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C., and the requirements of this Article. Manufactured Homes shall not be allowed seaward of the Coastal Construction Control Line.

Section 2 Foundations

All new Manufactured Homes and replacement Manufactured Homes installed in Special Flood Hazard Areas shall be installed on permanent, reinforced foundations that:

A. In Special Flood Hazard Areas (Zone A) other than Coastal High Hazard Areas and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2, and this Article. ~~Foundations for Manufactured Homes, subject to Art. 18.E.4.B, Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions, are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

B. In Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3, and this Article.

Section 3 Anchoring

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

Section 4 Elevation

All Manufactured Homes that are placed, replaced, or substantially improved in Flood Hazard Areas or Special Flood Hazard Areas shall be elevated such that the bottom of the frame is at or above the higher of the following:

A. 18 inches above lowest adjacent road crown elevation; or

B. The elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Volume, Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone).

~~Manufactured Homes that are placed, replaced, or substantially improved shall comply with Art. 18.E.4.A, General Elevation Requirement or Art. 18.E.4.B, Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions, as applicable.~~

~~**A. General Elevation Requirement**~~

~~Unless subject to the requirements of Art. 18.E.4.B, Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions, all Manufactured Homes that are placed, replaced, or substantially improved on sites located: (1) outside of a Manufactured Home Park or Subdivision; (2) in a new Manufactured Home Park or Subdivision; (3) in an expansion to an Existing Manufactured Home Park or Subdivision; or, (4) in an Existing Manufactured Home Park or Subdivision upon which a Manufactured Home has incurred "Substantial Damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the Special Flood Hazard Area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).~~

~~**B. Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions**~~

~~Manufactured Homes that are not subject to Art. 18.E.4.A, General Elevation Requirement, including Manufactured Homes that are placed, replaced, or substantially improved on sites located in an Existing Manufactured Home Park or Subdivision, unless on a site where Substantial Damage as result of flooding has occurred, shall be elevated such that either the:~~

~~1. Bottom of the frame of the Manufactured Home is at or above the elevation required, as applicable to the Special Flood Hazard Area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~

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

Section 5 Enclosures

Enclosed areas below elevated Manufactured Homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3, for such enclosed areas, as applicable to the Special Flood Hazard Area.

Section 6 Utility Equipment

Utility equipment that serves Manufactured Homes, including electric, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the Special Flood Hazard Area.

CHAPTER F RECREATIONAL VEHICLES AND PARK TRAILERS

Section 1 Temporary Placement

Recreational Vehicles and Park Trailers placed temporarily in Special Flood Hazard Areas shall:

A. Be on the site for fewer than 180 consecutive days; or
B. Be fully licensed and ready for highway use, which means the Recreational Vehicle or Park Trailer is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks, and porches.

Section 2 Permanent Placement

Recreational Vehicles and Park Trailers that do not meet the limitations in Art. 18.F.1, Temporary Placement above for temporary placement shall meet the requirements of Art. 18.E, Manufactured Homes for Manufactured Homes.

CHAPTER G TANKS

Section 1 Underground Tanks

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

Section 2 Non-Elevated, Above-Ground Tanks

Above-ground tanks that do not meet the elevation requirements of Art. 18.G.3, Elevated, Above-Ground Tanks below shall:

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

Section 3 Elevated, Above-Ground Tanks

In Special Flood Hazard Areas, above-ground tanks shall be attached to, and elevated to (or above) the Design Flood Elevation of, a supporting Structure designed to prevent flotation, collapse, or lateral movement during Design Flood conditions. Tank-supporting Structures shall meet the foundation requirements of the applicable Special Flood Hazard Area.

Section 4 Tank Inlets and Vents

Tank inlets, fill openings, outlets, and vents shall be:

A. At or above the Design Flood Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the Design Flood; and
B. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the Design Flood.

CHAPTER H OTHER DEVELOPMENT

Section 1 General Requirements for Other Development

All Development subject to this Article, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Article or the Florida Building Code, shall:

A. Be located and constructed to minimize flood damage;
B. Meet the limitations of Art. 18.D.4, Limitations on Sites in Regulatory Floodways if located in a regulated Floodway;
C. Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the Design Flood;
D. Be constructed of Flood Damage Resistant Materials; and,
E. Have mechanical, plumbing, and electrical systems above the Design Flood Elevation or meet the requirements of ASCE 24, except that “minimum” electric service (i.e., service required to address life safety and electric code requirements) is permitted below the Design Flood Elevation provided it conforms to the provisions of the electrical part of the Building Code for wet locations.

Section 2 Fences in Regulated Floodways

Fences in regulated Floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Art. 18.D.4, Limitations on Sites in Regulatory Floodways.

Section 3 Retaining Walls, Sidewalks, and Driveways in Regulated Floodways

Retaining walls, sidewalks, and driveways that involve the placement of fill in regulated Floodways shall meet the limitations of Art. 18.D.4, Limitations on Sites in Regulatory Floodways.

Section 4 Roads and Watercourse Crossings in Regulated Floodways

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated Floodways shall meet the limitations of Art. 18.D.4, Limitations on Sites in Regulatory Floodways. Alteration of a Watercourse that is part of a road or watercourse crossing shall meet the requirements of Art. 18.A.5.C.3.

Section 5 Concrete Slabs Used as Parking Pads, Enclosure Floors, Landings, Decks, Walkways, Patios, and Similar Non-Structural Uses in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones

In Coastal High Hazard Areas and Coastal A Zones, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar non-structural uses are permitted beneath or adjacent to Buildings and Structures or beneath Design Flood requirements, provided the concrete slabs are designed and constructed to be:

A. structurally independent of the foundation system of the Building or Structure;
B. frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any Structure; and,
C. have a maximum slab thickness of not more than four inches.

Section 6 Decks and Patios in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones

In addition to the requirements of the Florida Building Code, decks and patios in Coastal High Hazard Areas and Coastal A Zones shall be located, designed, and constructed in compliance with the following:

A. A deck that is structurally attached to a Building or Structure shall have the bottom of the lowest horizontal structural member at or above the Design Flood Elevation, and any supporting members that extend below the Design Flood Elevation shall comply with the foundation requirements that apply to the Building or Structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
B. A deck or patio that is located below the Design Flood Elevation shall be structurally independent from Buildings or Structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during Design Flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the Building or Structure or to adjacent Buildings and Structures.
C. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified, registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that

would increase damage to the Building or Structure or to adjacent Buildings and Structures.

D. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on non-structural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

Section 7 Other Development in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones

In Coastal High Hazard Areas and Coastal A Zones, Development activities, other than Buildings and Structures, shall be permitted only if also authorized by the appropriate Federal, State, or Local authority; if located outside the footprint of and not structurally attached to Buildings and Structures; and, if analyses prepared by qualified, registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent Buildings and Structures. Such other Development activities include but are not limited to: [Ord. 2022-019]

A. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control Structures;
B. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the Design Flood or otherwise function to avoid obstruction of floodwaters; and,
C. Onsite sewage treatment and disposal systems defined in Rule 62-6.002, F.A.C., as filled systems or mound systems. [Ord. 2022-019]

Section 8 Non-Structural Fill in Coastal High Hazard Areas (Zone V/VE) and Coastal A Zones

In Coastal High Hazard Areas and Coastal A Zones:

A. Minor grading and the placement of minor quantities of non-structural fill shall be permitted for landscaping and for drainage purposes under and around Buildings.
B. Non-structural fill with finished slopes that are steeper than one unit vertical to four ~~five~~ units horizontal shall be permitted only if an analysis prepared by a qualified, registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent Buildings and Structures.
C. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of Sand Dunes under or around elevated Buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the Building.

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

November 25, 2024

Joseph Abruzzo
Deputy Clerk
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Dear Joseph Abruzzo,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2024-024, which was filed in this office on November 25, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270