

CHAPTER 1100. SPECIAL DEVELOPMENT STANDARDS

SECTION 1104. FLOOD DAMAGE PREVENTION

1104.1. Intent and Purpose

The special flood hazard areas of the County are 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.

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

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

It is the intent and purpose of this Code, Section 1104 to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions by:

- A. Restriction of uses which are dangerous to health, safety, and property and minimize public and private losses due to flood conditions;
- B. Requiring uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- D. Controlling land filling, grade changes, dredging, and other development where such activities will cause or increase erosion or flood damage or inhibit floodwaters; and
- E. Regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this Code, Section 1104, are to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood-control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding; generally undertaken at the expense of the general public;

- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and street and bridges located in floodplains; and
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas; and
- G. Ensure that potential homebuyers are notified that property is in a flood area.

This Code, Section 1104, is intended to be administered and enforced in conjunction with the *Florida Building Code*, as amended by Pasco County. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

1104.2. **Applicability**

This Code, Section 1104 shall apply to all development on land where any portion of the development is within a special flood hazard area in unincorporated Pasco County, including development that does not otherwise require a Site Development or Building Permit, and buildings, structures, and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, such as:

- A. Railroads and ancillary facilities associated with the railroad.
- B. Nonresidential farm buildings on farms, as provided in Section 604.50, F.S.
- C. Temporary buildings or sheds used exclusively for construction purposes.
- D. Mobile or modular structures used as temporary offices.
- E. Those structures or facilities of electric utilities, as defined in Section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- F. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. 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 nonwood features.
- G. Temporary housing, not on State lands, provided by the Florida Department of Corrections to any prisoner in the state correctional system.
- H. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled onsite or preassembled and delivered to the site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

- I. A non-rented or leased building or structure which is not a principal residence nor connected to an offsite electric power or water supply, having less than 1,000 square feet which is constructed and owned by a natural person for hunting, and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, Section 553.73(10)(k), F.S..

It is intended that the interpretation and application of all provisions in this section be:

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

The degree of flood protection required by this Code, Section 1104, and the *Florida Building Code*, as amended by Pasco County, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade natural causes. This Code, Section 1104, and the *Florida Building Code*, as amended by Pasco County, does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps (FIRM) and the requirements of Title 44, Code of Federal Regulations, Sections 59 and 60, may be revised by the Federal Emergency Management Agency (FEMA), requiring Pasco County to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this Code, Section 1104, and the *Florida Building Code*, as amended by Pasco County.

This Code, Section 1104, and the *Florida Building Code*, as amended by Pasco County, shall not create liability on the part of the Board of County Commissioners of Pasco County or any officer or employee thereof, for any flood damage that results from reliance on this Code, Section 1104 and the *Florida Building Code*, as amended by Pasco County, or any administrative decision lawfully made thereunder.

1104.3. **Establishment of Areas of Special Flood Hazard**

The areas of special flood hazard identified by FEMA in the Flood Insurance Study for Pasco County, Florida, and incorporated areas, dated September 26, 2014, with accompanying maps, including maps in digital format, and other supporting data and any amendments and revisions thereto, are adopted by reference and incorporated herein. The flood insurance study and maps are on file in the office of the County Administrator or designee.

1104.4. **Floodplain Administrator**

The Board of County Commissioners hereby appoints the County Administrator, or designee, to administer and implement this section. The duties shall include, but not be limited to, all of the following:

- A. Review development applications to determine whether proposed new development will be located in flood hazard areas.
- B. Review all development applications to ensure that the permit requirements of this section have been satisfied.
- C. Review development applications to determine whether proposed development will be reasonably safe from flooding.
- D. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage.
- E. Make final determinations on development permits for developments that are not subject to the *Florida Building Code*, including buildings, structures, and facilities exempt from the *Florida Building Code*.
- F. Review, in coordination with the Building Official, requests submitted that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the *Florida Building Code*, as amended by Pasco County, to determine whether such requests require the granting of a variance pursuant to this Code, Section 1104.7.
- G. Make required inspections for development permits that are not subject to the *Florida Building Code*, including buildings, structures, and facilities exempt from the *Florida Building Code*.
- H. Advise the permittee that additional Federal or State permits may be required and require that copies of such permits be provided and maintained on file with the Development Permit, including but not limited to:
 - 1. Southwest Florida Water Management District; Section 373.036, F.S..
 - 2. Florida Department of Health for onsite sewage treatment and disposal systems; Section 381.0065, F.S. and Chapter 64E-6, F.A.C.
 - 3. The 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; Section 161.141, F.S.
 - 4. The Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; Section 161.055, F.S.

5. The Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.
- I. Notify adjacent communities, the Florida Division of Emergency Management, State Floodplain Management Office, and other Federal and/or State agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.
- J. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- K. Review required design certifications and documentation of elevations specified by this Code, Section 1104, and the *Florida Building Code*, as amended by Pasco County, to determine that such certifications and documentations are complete.
- L. Provide available flood elevation and flood hazard information.
- M. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Code, Section 407.1.
- N. When base flood elevation data or floodway data have not been provided on a FIRM, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source in order to administer the provisions of this Code, Section 1104, and the *Florida Building Code*, as amended by Pasco County.
- O. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant.
- P. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA, the data and information necessary to maintain the FIRMs if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available.
- Q. Notify FEMA when the unincorporate boundaries of Pasco County are modified.
- R. Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub.L. 97-348)

and the Coastal Barrier Improvement Act of 1990 (Pub.L. 101-591) that federal flood insurance is not available on such construction. Areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

- S. All records pertaining to this Code, Section 1104, and the flood provisions of the *Florida Building Code*, as amended by Pasco County, shall be maintained in the office of the County Administrator, or designee, and shall be open for public inspection.

1104.5. **Development Permit and Inspection Procedures**

A. General

Prior to any development in an area of special flood hazard, a Development Permit shall be obtained. Application for a Development Permit shall be made to the County Administrator or designee on forms furnished by the County.

Site (horizontal) development shall follow the application submittal and application processing procedures of this Code.

Buildings, structures, and facilities exempt from the *Florida Building Code* (vertical development) shall follow the application submittal and application processing procedures adopted in Chapter 18 of the Pasco County Code of Ordinances.

The issuance of a floodplain development permit or approval pursuant to this Code shall not be construed to be a permit for, or approval of, any violation of this Code, the *Florida Building Code*, as amended by Pasco County, or any other ordinance of Pasco County. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the County Administrator, or designee, from requiring the correction of errors and omissions.

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

The County Administrator, or designee, is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this Code or any other ordinance, regulation, or requirement of Pasco County.

The County Administrator, or designee, shall not issue any permit for a structure denied flood insurance coverage by FEMA, pursuant to

Section 1316 of the National Flood Insurance Act of 1968, unless the permit is for activities to bring the 1316structure into compliance with this Code, Section 1104 and the *Florida Building Code*, as amended by Pasco County.

B. Development Permit Application

During the development permit application and review process the following specific information, as applicable, is required in addition to the information required in this Code, Chapter 400, or of the Pasco County Code of Ordinances, Chapter 18:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevations(s), and ground elevations, as necessary for the 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, same shall be established in accordance with this Code, Sections 1104.5.C.2 or 1104.5.C.3.
3. Where the proposed development seeks approval for more than 50 lots, or is larger than five (5) 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 this Code, Section 1104.5.C.1.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Elevation in relation to the datum on the FIRM of the proposed lowest floor, including basement, of all buildings or structures.
6. Elevation in relation to the datum on the FIRM of the proposed lowest horizontal member of all buildings or structures within Velocity (V) Zones.
7. Elevation in relation to the datum on the FIRM to which any nonresidential building will be dry flood proofed.
8. Description of the extent to which any mangrove stand or sand dune will be altered as a result of proposed development.
9. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
10. Certificate from a registered professional engineer or architect that the nonresidential, dry flood-proofed building will meet the dry flood-proofing criteria in the *Florida Building Code*, as amended by Pasco County.

11. Certificate from a registered professional engineer or architect that the building will meet the V- Zone criteria in this Code or the *Florida Building Code*, as amended by Pasco County.
- C. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the County Administrator, or designee, 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 County Administrator, or designee, 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 three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) 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.
- D. **Additional analyses and certifications.** As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this Code, Section 1104, 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 increase base flood elevations,

the applicant shall submit such analysis to FEMA as specified in this Code, Section 1104.5.E, 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 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 (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in 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 also submit the analysis to FEMA, as specified in this Code, Section 1104.5.E.
 4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage
- E. **Submission of additional data.** When additional hydrologic, hydraulic, or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on the FIRMs, and to submit such data to FEMA for such purposes. 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.
- F. **Inspections and Certifications.** Development permits within a special flood hazard area shall be subject to inspection to determine compliance with this Code, Section 1104.

Prior to the issuance of a Certificate of Occupancy (CO), or where no CO is required, prior to final inspection of the development, manufactured home, building, structure or facility, it shall be the duty of the permit holder to submit to the County Administrator or designee a certification as follows:

1. Within A Zones:

- a. Elevation (in relation to datum on the FIRM) of the lowest floor (including basement) of all new and substantially improved structures, and
 - b. If the building, structure, or facility, has been flood-proofed, the elevation (in relation to datum on the FIRM) to which the structure, building, or facility was flood-proofed.
2. Within V Zones:
- a. Elevation (in relation to datum on the FIRM) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement.

The said certification shall be prepared by or under the direct supervision of a Florida Licensed Professional Surveyor and certified by the same. When dry flood-proofing is utilized for a particular building, the said certification shall be prepared by or under the direct supervision of a Professional Engineer or architect and certified by the same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The County Administrator, or designee, shall review the lowest floor, lowest horizontal structural member and/or dry flood-proofing elevation and survey data submitted for compliance with this section. The permit holder immediately and prior to the issuance of the CO and/or final inspection of the building, structure, or facility shall correct deficiencies detected by such review. Failure to submit the survey or failure to make the said corrections required hereby shall be cause to issue a Stop-Work Order for the project and/or deny issuance of a CO for the structure and/or deny use of the structure.

3. The County Administrator, or designee, shall maintain a record of all such information.

1104.6. **Flood Hazard Reduction**

G. General Standards

In all areas of special flood hazard, the following are required:

1. New construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from the hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to

ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.

3. New construction and substantial improvements shall be constructed with flood damage resistant materials and utility equipment resistant to flood damage.
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including ductwork, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. Any alteration, repair, reconstruction, or improvement to a building that was constructed in compliance with the flood damage prevention requirements of Pasco County or the flood resistant provisions of the *Florida Building Code* shall meet the requirements of "new construction" as contained in this Code, Section 1104, and the *Florida Building Code*, as amended by Pasco County.
10. Any alteration, repair, reconstruction, or improvement to a building that is not in compliance with the flood damage prevention requirements of Pasco County or the flood resistant provisions of the *Florida Building Code*, as amended by Pasco County shall be undertaken only if the nonconformity is eliminated or the building is otherwise brought into compliance and the activities shall meet the requirements of "new construction" as contained in this Code, Section 1104, and the *Florida Building Code*, as amended by Pasco County.
11. Standards for Subdivision and Site Development
 - a. All subdivision and site development proposals shall be consistent with the need to minimize flood damage.
 - b. All new construction in coastal, high-hazard areas (V Zones) shall be landward of the reach of the mean high tide.

- c. All subdivision and site development proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - d. All subdivision and site development proposals shall have adequate drainage provided to reduce exposure to flood hazards. In Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from proposed structures.
 - e. Base flood elevation data shall be provided for subdivision and site development proposals and other proposed development, including manufactured home parks and subdivisions, which is greater than the lesser of fifty (50) lots or five (5) acres.
12. Standards for Design and Construction of Developments, Buildings, Structures, and Facilities Exempt from the *Florida Building Code*.

Developments, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such developments, buildings, structures, and facilities, shall be designed and constructed in accordance with the flood elevation, flood load, and flood-resistant construction requirements of ASCE 24.

Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with this Code, Section 1104.6.A.

H. Specific Standards within A Zones

Located within areas of special flood hazard established in this Code, Section 1104.3, are areas designated as, Zones "AE," "A1-30," and/or "AH." These areas are subject to inundation of flood waters, and, therefore, in addition to meeting all provisions of this Code, Section 1104, applicable to A Zones, the following shall also apply:

- 1. Manufactured Homes, Foundations, Anchoring and Elevation
 - a. New, and replacement manufactured homes shall be elevated on permanent foundations such that the lowest floor of the manufactured home is elevated to or above one (1) foot above the base flood elevation and securely anchored to an adequately anchored foundation system to resist floatation collapse or lateral movement, if such manufactured homes are placed or substantially improved on sites:
 - (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 on which a manufactured home has incurred "substantial damage" as the result of a flood.
- b. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to this Code, Section 1104.6.B.1.a., shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement and shall be elevated so that either:
- (1) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation; or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength of no less than thirty-six (36) inches in height above the ground.

2. Manufactured Homes Enclosures

Enclosed areas below elevated manufactured homes shall be designed to be used solely for parking of vehicles, building access, or storage. The walls of enclosed areas shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a registered design professional or meet the following minimum criteria:
- (1) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - (2) The bottom of all openings shall be no higher than one (1) foot above grade;
 - (3) Openings must be located so that the portion of the opening intended to allow for inflow and outflow is below the base flood elevation; and
 - (4) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they

permit the automatic flow of floodwaters in both directions.

- b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- d. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.

3. Recreational Vehicles

All recreational vehicles placed on sites must either:

- a. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions);
- b. Meet all the requirements for anchoring and elevation of for manufactured homes of this Code, Sections 1104.6.B.1. and 2.; or
- c. Be on the site for fewer than 180 consecutive days.

C. Floodways

Located within areas of special flood hazard established in this Code, Section 1104.3., are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential, and, therefore, in addition to meeting all provisions in this Code, Section 1104, and *Florida Building Code* applicable in A Zones, the following provisions shall apply:

- 1. Encroachments, including fill, new construction, substantial improvements, and other developments shall not be authorized unless it has been demonstrated through floodway encroachment analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- 2. The placement of manufactured homes is not permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing

manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards of this Code, Section 1104.6.C.1., are met.

D. Specific Standards Within V Zones

Located within areas of special flood hazard areas established in this Code, Section 1104.3, are areas designated as Zones "V1-V30," "VE," and/or "V." These areas have special flood hazards associated with high velocity waters from surges; and, therefore, in addition to meeting all provisions in this Code, Section 1104, applicable to V Zones, the following provisions shall also apply:

1. The use of fill for structural support of buildings is not permitted.
2. Manmade alteration of sand dunes or mangrove stands that would increase potential flood damage is not permitted.
3. Manufactured Homes, Foundations, Anchoring, and "Elevation"
 - a. New and replacement manufactured homes shall be elevated on permanent piling or column foundations such that the bottom of the lowest horizontal structural member of the lowest floor of the manufactured home is elevated to or above one (1) foot above the base flood elevation and securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement, if such manufactured homes are placed or substantially improved on sites:
 - (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 on which a manufactured home has incurred "substantial damage" as the result of a flood.
 - b. A registered design professional shall develop or review the structural design, specifications, and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this Code, Section 1104.6.D.3.a.
 - c. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to this Code, Section 1104.6.D.3.a., shall be securely anchored to an adequately anchored foundation

system to resist flotation, collapse, or lateral movement, and shall be elevated so that either:

- (1) The lowest floor of the manufactured home is elevated to or above one (1) foot above the base flood elevation; or
- (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength or no less than thirty-six (36) inches in height above the ground.

4. Manufactured Homes Enclosures

The area below elevated manufactured homes shall either be free of obstruction or, if enclosed with walls, the enclosure shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation nor shall the interior portion of such enclosed area be partitioned or finished into separate rooms.

The walls and partitions shall be constructed with nonsupporting breakaway walls, open-wood, lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated manufactured home or supporting foundation system.

- a. Breakaway walls shall have a design safe loading resistance of not less than ten (10) and not more than twenty (20) pounds per square foot. Where wind loading values exceed twenty (20) pounds per square foot, the application shall include certification by a registered design professional that the breakaway walls have been designed to collapse from a water load less than that which would occur during the base flood.
- b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles or limited storage of maintenance equipment used in connection with the premises, or entry to the living area (stairway or elevator).
- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- d. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.

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

- a. Be on the site for fewer than 180 consecutive days;

- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick, disconnect-type utilities and security devices, and has no permanently attached additions; or
- c. Meet all the manufactured home requirements of this Code, Sections 1104.6.A. and 1104.6.D.2.

E. Technical Bulletins

FEMA technical bulletins and subsequent FEMA technical bulletins are incorporated by reference and shall be the basis for interpretation of the applicable provisions of the *Florida Building Code* and of this Code, Section 1104.

1104.7. **Variances**

A. General

The Planning Commission (PC) shall hear and decide on requests for variances from this Code, Section 1104. Pursuant to Section 553.73(5), F.S., the PC shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code*.

B. Application

The variance application shall include all written justification, conceptual plans, site plans, building plans, and citations to the applicable authority and other evidence that is necessary for the PC to determine whether the variance should be granted. References to the Comprehensive Plan, this Code, or other legal authority shall include citations to the specific provisions(s) or authority supporting the conclusion.

C. Public Notice

Notice of the public hearing shall follow the noticing requirements for Timing, Mailed, Published, and Posted Notice and Affidavit of Public Notice in accordance with this Code, Sections 304.2 and 304.3.

D. No Impact Certification within the Floodway

Variations shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.

E. Historic Structures

Variances may be issued for the repair, improvement, or rehabilitation of historic structures that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code*, Existing Building, Chapter 11, Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

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 this Code, 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. Variance Review Criteria

In reviewing applications, the Planning Commission (PC) shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, as amended by Pasco County, all standards specified in this section; and

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger of life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location in the case of a functionally dependent use;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, and water systems; streets; and bridges.

H. Standards of Review for Approval of Variances

1. Variances shall only be issued when there is:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a "historic structure," a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

I. Notification of Final Determination to Applicant

Any applicant to whom a variance is granted shall be given written notice over the signature of the County Administrator, or designee, that:

1. The difference between the base flood elevation and the elevation to which the lowest floor is to be built;
2. The cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and will result in increased premium rates for flood insurance up to amounts as high as Twenty-Five and 00/100 Dollars (\$25.00) for One Hundred and 00/100 Dollars (\$100.00) of insurance coverage; and
3. Such construction below the base flood level increases risks to life and property.

A copy of the final determination on the variance request shall be recorded by the County Administrator, or designee, in the Public Records of the County,

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

J. Special Conditions

Upon consideration of the factors listed in this Code, Section 1104.7, the PC may attach such conditions to the granting of variances, as it deems necessary, to further the purposes of this Code, Section 1104, and the flood resistant construction requirements of the *Florida Building Code*.

K. Appeals

Any person aggrieved by a decision of the PC may appeal to the BCC in accordance with this Code, Section 407.1.

1104.8. **Violations**

Enforcement of violations shall be in accordance with this Code, Section 108, Enforcement.

A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Code, Section 1104, or the *Florida Building Code*, as amended by Pasco County, is presumed to be in violation until such time as that document is provided.

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

Upon the finding that a structure is deemed in violation of this Code, Section 1104 and the *Florida Building Code* and the violator has refused to bring the violation into compliance, the County may request that FEMA initiate a Section 1316 denial of flood insurance coverage, pursuant to the National Flood Insurance Act of 1968. If the violation is remedied, the County shall notify FEMA of the remedy and request that the Section 1316 be rescinded.