

Article VII, Regulations of General Applicability**Division 4. Areas of Special Flood Hazard****Section VII-401. Purpose**

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

- A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against potential flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- D. Control filling, grading, dredging and other development which may increase erosion or flood damage.
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Section VII-402. Applicability

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

Section VII-403. Designation of Manager

The Director of Building, Zoning and Code Enforcement is hereby appointed to administer and implement the provisions of this article. The Director of Building, Zoning and Code Enforcement shall review all building permit applications to assure that the applicable permit requirements of this division have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding.

Section VII-404. Disclaimer of Liability

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

Section VII-405. Establishment of Areas of Special Flood Hazard -- Applicability to Zone Districts

- A. This division shall apply to all land within the jurisdiction of the City that are depicted as areas of special flood hazard (Zones A, AO, AH, and A-1 through A-30) and as coastal high-hazard areas (Zones V and V-1 through V-30) on the flood insurance rate map of

ARTICLE VII: Regulations of General Applicability

the United States Federal Emergency Management Agency (FEMA) for the City of Sarasota dated February 15, 1984. Three (3) or more official copies of said maps have been placed on file with the city auditor and clerk at least ten (10) days prior to the adoption of this division [February 13, 1984]. Said flood insurance rate maps are hereby adopted by reference as if same were fully set forth herein. This division shall additionally apply to all lands which are annexed into the City pursuant to Article VII, Division 16 that are classified as areas of special flood hazard and as coastal high-hazard areas on the flood insurance rate map of the United States Federal Emergency Management Agency (FEMA) for the County of Sarasota.

- B. When base flood elevation data has not been provided in the flood insurance maps or in supporting materials from FEMA, then the Director of Building, Zoning and Code Enforcement shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source (including data submitted pursuant to Section VII-412) as criteria for requiring that new construction, substantial improvements or other developments in areas of special flood hazard meets the standards of Section VII-409.
- C. The areas of special flood hazard shall be considered as an overlay area to existing zone districts. Uses permitted within the zoning districts shall be permitted provided they meet the requirements of this article.

Section VII-406. Interpretation of District Boundaries

Where an 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), the Director of Building, Zoning and Code Enforcement shall make the necessary interpretation. The person contesting the location of the boundary may appeal to the Board of Adjustment .

Section VII-407. Permit Procedures

In all areas to which this division applies, there shall be no erection, addition or alteration of any structure, or portion thereof, unless a building permit has been applied for and issued in accordance these regulations. Applications for building permits shall be made to the building and zoning department, on forms furnished by the department and shall include, whenever applicable, plans in triplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. The following additional information is also required to be submitted for new construction and for substantial improvements to existing structures:

- A. Elevation in relation to mean sea level of the proposed lowest habitable floor, including basement, of all structures. In coastal high-hazard areas, the elevation of the bottom of the lowest structural member of the lowest floor shall be submitted.
- B. Elevation in relation to mean sea level to which any structure has been floodproofed.
- C. In the case of a floodproofed structure, certification from a registered professional engineer or architect stating that the structure meets the floodproofing criteria of this division.

ARTICLE VII: Regulations of General Applicability

- D. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
In riverine situations, the Director of Building, Zoning and Code Enforcement shall notify adjacent communities (i.e. Sarasota County) and the state coordinating office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Insurance Administrator. The Director of Building, Zoning and Code Enforcement shall assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- E. Floor elevation or floodproofing certifications shall be provided after the lowest floor is completed or if the structure is subject to the regulations applicable to coastal high-hazard areas, after placement of the horizontal structural members of the lowest floor.
- F. Within twenty-one (21) calendar days of establishment of the lowest habitable floor elevation, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the property owner to submit to the Director of Building, Zoning and Code Enforcement a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certifications shall be prepared by or under the direct supervision of a registered professional architect or engineer. The Director of Building, Zoning and Code Enforcement shall review the floor elevation survey data submitted. The Director of Building, Zoning and Code Enforcement shall verify and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures or shall verify and record the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed. Deficiencies detected by such review shall be corrected by the permit holder.
- G. Applicants requesting permits shall be advised that certain federal or state permits may be required prior to the commencement of construction, including permits required under Section 404 of The Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. When the Director of Building, Zoning and Code Enforcement knows in advance that a specific federal or state permit must be secured by the applicant, the applicant shall be required to deliver copies of such permits to the building and zoning department prior to the issuance of the requested permit. Such permits shall be maintained on file by the Director of Building, Zoning and Code Enforcement.

Section VII-408. Conformity of Construction to Application, Plans and Permits

Building permits issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction other than as authorized shall be deemed to be a violation of this article.

Section VII-409. Construction Standards

- A. Areas of Special Flood Hazard (Zones A, AO, AH and A-1 through A-30). In all areas of special flood hazard, all new construction and all substantial improvements shall:

ARTICLE VII: Regulations of General Applicability

1. Be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. Be constructed with materials resistant to flood damage.
 3. Be constructed by methods and practices that minimize flood damage.
 4. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 5. Provide new or replacement water supply systems which are designed to minimize or eliminate infiltration of floodwaters into the system.
 6. Provide new or replacement sanitary sewage systems which are designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 7. Locate any on-site waste disposal systems so as to avoid impairment or contamination to the system during flooding.
 8. Fully enclosed areas below the lowest floor which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: 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 shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- B. Coastal High-Hazard Areas (Zones V and V1 - V30). Because coastal high-hazard areas have special flood hazards associated with wave wash, the following provisions shall apply:
1. All new construction shall be located landward of the mean high tide, as specified in the applicable district regulations of this Land Development Regulations.
 2. All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns in order to withstand velocity waters and hurricane wave wash.
 3. Pilings or columns used as structural support shall be designed and anchored so as to withstand all applied loads of the base flood flow.
 4. Compliance with the provisions of paragraphs (2) and (3) above shall be certified to by a registered professional engineer or architect.
 5. No fill shall be used as structural support.
 6. There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.
 7. All new construction and substantial improvements shall have the space below the lowest floor either free from obstruction or constructed with

ARTICLE VII: Regulations of General Applicability

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 portion of the building or supporting foundation system. For the purposes of this Section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the proposed design meets the following conditions:

- a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one (1) percent chance of being equaled in any given year (100-year mean recurrence interval).
Such enclosed space shall be usable solely for parking of vehicles, building access or storage.
8. No manufactured home shall be placed in a coastal high-hazard area, except in an existing manufactured home park or an existing manufactured home subdivision.

Section VII-410. Floodproofing of Buildings, Structures

- A. Generally. Whenever any of the provisions of this division require that a building be floodproofed or specify that floodproofing may be used as an alternative to elevating a structure above the base flood elevation level, "floodproofing" shall be deemed to mean that any new construction or substantial improvement has been designed and constructed to withstand the flood depths, pressure, velocities, impact and uplift forces associated with a base flood at the location of the building and that the walls below the base flood level are substantially impermeable to the passage of water. A registered professional engineer or architect shall certify as to the foregoing.
- B. Approval of Plans. Prior to construction, plans for any structure that is required to be floodproofed must be submitted to the Director of Building, Zoning and Code Enforcement for review of the plans to determine compliance with the provisions of subsection (A) and with any other applicable building codes or regulations. The Manager of Building, Zoning and Code Enforcement may approve, reject or recommend modifications of the plans.

Section VII-411. Lowest Floor Elevation

- A. Areas of Special Flood Hazard (Zones A, AH, AO and A-1 Through A-30):
1. Residential Structures. New construction and substantial improvement of any existing residential structure shall have the lowest floor, including

ARTICLE VII: Regulations of General Applicability

basement, elevated to or above the base flood level, as indicated by the depth number specified in the flood insurance rate map, in feet. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

2. Nonresidential Structures. New nonresidential structures or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the base flood level, as indicated by the depth number specified on the flood insurance rate map, in feet, or alternatively shall be floodproofed, together with attendant utility and sanitary facilities, so that all areas of the structure below the required elevation are watertight and with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

If no depth number is specified on the flood insurance rate map, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade, or alternatively shall be completely floodproofed, together with attendant utility and sanitary facilities, to or above that level. Any floodproofed space which is lower than two (2) feet above the highest adjacent grade shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3. Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and shall be securely anchored to an adequately anchored foundation system in accordance with Section VII-413.

- B. Coastal High-Hazard Areas (Zones V and V-1 through V-30). All new construction and substantial improvements shall be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is elevated to or above the base flood level, as indicated (in feet) by the depth number specified on the flood insurance rate map, with all space below the lowest supporting member open so as not to impede the flow of water except as provided in Section VII-409.

Section VII-412. Subdivision, New Development Proposals

The Director of Building, Zoning and Code Enforcement and the city engineer shall review subdivision proposals and other new development proposals, including manufactured home parks or subdivisions, to determine whether such proposals are reasonably safe from flooding. If the proposed subdivision or new development is in an area of special flood hazard, the proposal shall be reviewed to assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed so as to minimize or eliminate flood damage.
- C. Adequate drainage is provided to reduce exposure to flood hazards.

ARTICLE VII: Regulations of General Applicability

Base flood elevation data shall be provided for all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) zoning lots or five (5) acres, whichever is less.

Section VII-413. Manufactured Homes

The zoning classifications applicable to properties within areas of special flood hazard do not permit manufactured homes. To the extent that, in an individual case, a manufactured home use could be located or relocated within an area of special flood hazard, the manufactured home shall be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or framed ties to ground anchors. In addition, the following specific requirements shall apply:

- A. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations on manufactured homes of fifty (50) feet or more and one (1) additional tie per side for manufactured homes less than fifty (50) feet long.
- B. Frame ties shall be provided at each corner of the home with four (4) additional ties per side at intermediate points for manufactured homes less than fifty (50) feet long and one (1) additional tie for manufactured homes fifty (50) feet or longer.
- C. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds, and any additions to the manufactured home shall be similarly anchored.

Section VII-414. Variances

- A. Variances may be granted by the board of adjustment for new construction and substantial improvements to be erected on a zoning lot of one-half ($\frac{1}{2}$) acre or less in size which is contiguous to and surrounded by zoning lots with existing structures constructed below the base flood level, in conformance with the procedures and requirements of this Section. Variances may also be granted for zoning lots in excess of one-half ($\frac{1}{2}$) acre; however, as the size of the zoning lot increases beyond the one-half ($\frac{1}{2}$) acre, the technical justification required for granting the variance increases.
- B. Variances may be granted for the reconstruction, rehabilitation or restoration of any structure which is listed on the National Register of Historic Places or which is listed on a state inventory of historic places, or which is designated as a structure of historic significance pursuant to the City of Sarasota Historic Preservation regulations without regard to the procedures set forth in the remainder of this Section.
- C. In passing upon applications for variances, the board of adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other Sections of this Land Development Regulations, and the following criteria:
 1. The danger that materials may be swept onto other lands to the injury of others.
 2. The danger to life and property due to flooding or erosion damage.
 3. The necessity to the facility of a waterfront location, where applicable.
 4. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

ARTICLE VII: Regulations of General Applicability

5. The compatibility of the proposed use with existing and anticipated development.
 6. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 7. 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.
 8. Whether the grant of the variance would result in increased flood heights, additional threats to public safety or extraordinary public expense.
 9. Whether a hardship will be created because of drainage.
- D. Upon consideration of the factors listed above and the purposes of this article, the board of adjustment may attach such conditions to the granting of a variance as it deems necessary to further the purposes of this article.
- E. It is intended that variances not be granted in areas that are undeveloped and where adherence to the elevations required under the National Flood Insurance Program will not adversely affect nearby existing construction.
- F. Conditions for Variances.
1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 2. Variances shall only be issued upon 1) a showing of good and sufficient cause; 2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create a nuisance; cause fraud on or victimization of the public; or conflict with other City ordinances.
 3. All applicants for variances shall be notified in writing over the signature of the Director of Building, Zoning and Code Enforcement that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage and that such construction below the base flood level increases risk to life and property.
 4. The Director of Building, Zoning and Code Enforcement shall maintain copies of all variance applications and shall further maintain records of all variance actions, including justifications for granting same. The Director of Building, Zoning and Code Enforcement shall report such variances issued in the annual report submitted to the Federal Emergency Management Agency.
- G. Variances granted shall become effective only after a resolution describing the variance and its effect on flood insurance eligibility and premiums has been recorded with the clerk of the circuit court of Sarasota County prior to the issuance of a building permit.

Section VII-415. Nonconforming Structures

A structure which was lawful before the passage or amendment of this division by which is not in conformity with the provisions hereof may be continued as a nonconforming structure subject

ARTICLE VII: Regulations of General Applicability

to the provisions of Article V of this Land Development Regulations, as amended, except that the provisions of Section V-103 shall not be applicable to such structures.

Section VII-416. Rules of Interpretation

- A. 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.
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
 4. The provisions of this article shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

Section VII-417. Public Records

The Director of Building, Zoning and Code Enforcement shall maintain for public inspection and shall furnish upon request, for determination of applicable flood insurance, risk premium rates within all areas having special flood hazards identified on the flood insurance rate maps adopted by reference herein, any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest habitable floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.