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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 13

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AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING LAND DEVELOPMENT CODE SECTION 7-3 “FLOOD HAZARD REDUCTION STANDARDS” TO UPDATE THE EFFECTIVE FLOOD INSURANCE STUDY APPLICABLE TO THE VILLAGE, AMEND THE PROCESS FOR DETERMINING SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS, UPDATE REFERENCE TO THE FLORIDA BUILDING CODE HISTORIC BUILDINGS CHAPTER, SPECIFY ELEVATION OF AND FOUNDATIONS FOR MANUFACTURED HOMES IN FLOOD HAZARD AREAS, PROVIDE STANDARDS FOR NON-ELEVATED ACCESSORY STRUCTURES IN FLOOD AREAS, AND AMEND DEFINITIONS; CLARIFYING AND REENACTING THE REPEAL OF ORDINANCE 2015-16; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125 – County Government or Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Village of Estero participates in the National Flood Insurance Program and participates in the NFIP’s Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 6, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for the Village of Estero to maintain the current CRS 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 1 foot, which necessitates modification of the existing requirements; and

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43 **WHEREAS**, the Federal Emergency Management Agency released FEMA Policy
44 #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory
45 Structures; **and**
46

47 **WHEREAS**, the Village Council has determined it appropriate to modify requirements for
48 accessory structures to be consistent with the FEMA Policy to allow issuance of permits for non-
49 elevated wet floodproofed accessory structures that are not larger than the sizes specified in the
50 FEMA Policy; and
51

52 **WHEREAS**, the Village Council determined that it is in the public interest to amend the
53 floodplain management regulations to better protect manufactured homes and to continue
54 participating in the Community Rating System at the current class rating; and
55

56 **WHEREAS**, The Village Council determined it appropriate to incorporate into Chapter 7
57 amendments to the Florida Building Code that were previously adopted by ordinance 2015-16;
58 **and**
59

60 **WHEREAS**, the Village wishes to clarify that the adoption of the Village Land
61 Development Code by Ordinance 2020-10, specifically Section 1-902 adopting the Florida
62 Building Code as codified in Chapter 553, Florida Statutes, was intended to repeal earlier building
63 code regulations adopted by Ordinance 2015-16, and to clarify any doubt that Ordinance 2015-16
64 is no longer in effect.
65

66 **NOW THEREFORE, BE IT ENACTED BY THE VILLAGE COUNCIL OF THE**
67 **VILLAGE OF ESTERO, FLORIDA, THAT:**
68

69 **Section 1. Amendments to Section 7-3 Flood Hazard Reduction Standards.**
70

71 Section 7-3 “Flood Hazard Reduction Standards” of the Village Land Development Code
72 is hereby amended, as shown in strikethrough and underline text, by the following amendments.
73

74 **SECTION 7-3. FLOOD HAZARD REDUCTION STANDARDS**
75

76 **7-301. Administration.**
77

78 **A. General.**

- 79 1. *Scope.* This section applies to all development that is wholly within or partially within
80 any flood hazard area or special flood hazard area (see Sec. 7-303, Definitions),
81 including but not limited to the subdivision of land; filling, grading, and other site
82 improvements and utility installations; construction, alteration, remodeling,
83 enlargement, improvement, replacement, repair, relocation or demolition of buildings,
84 structures, and facilities that are exempt from the Florida Building Code; placement,
85 installation, or replacement of manufactured homes and manufactured buildings;

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86 installation or replacement of tanks; placement of recreational vehicles; installation of
87 swimming pools; and any other development.

88
89 2. *Purpose and Intent.* The purpose and intent of this section and the flood load and flood
90 resistant construction requirements of the Florida Building Code are to establish
91 minimum requirements to safeguard the public health, safety, and general welfare, and
92 to minimize public and private losses due to flooding through regulation of development
93 in flood hazard areas to:

- 94
95 A. Minimize unnecessary disruption of commerce, access, and public service during
96 times of flooding;
- 97 B. Require the use of appropriate construction practices in order to prevent or
98 minimize future flood damage;
- 99 C. Manage filling, grading, dredging, mining, paving, excavation, drilling operations,
100 storage of equipment or materials, and other development which may increase flood
101 damage or erosion potential;
- 102 D. Manage the alteration of flood hazard areas, watercourses, and shorelines to
103 minimize the impact of development on the natural and beneficial functions of the
104 floodplain;
- 105 E. Minimize damage to public and private facilities and utilities;
- 106 F. Help maintain a stable tax base by providing for the sound use and development of
107 flood hazard areas;
- 108 G. Minimize the need for future expenditure of public funds for flood control projects
109 and response to and recovery from flood events; and
- 110 H. Meet the requirements of the National Flood Insurance Program for community
111 participation as set forth in 44 CFR 59.22.

112
113 3. *Coordination with Florida Building Code.* This section is intended to be administered
114 and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24
115 refers to the edition of the standard that is referenced by the Florida Building Code.

116
117 4. *Warning.* The degree of flood protection required by this section and the Florida
118 Building Code, as amended by the Village of Estero, is considered the minimum
119 reasonable for regulatory purposes and is based on scientific and engineering
120 considerations. Larger floods can and will occur. Flood heights may be increased by
121 man-made or natural causes. This section does not imply that land outside of mapped
122 special flood hazard areas, or that uses permitted within such flood hazard areas, will be
123 free from flooding or flood damage. The flood hazard areas and base flood elevations
124 contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and
125 the requirements of 44 CFR Secs. 59 and 60, may be revised by the Federal Emergency
126 Management Agency, requiring this community to revise these regulations to remain
127 eligible for participation in the National Flood Insurance Program. No guaranty of vested
128 use, existing use, or future use is implied or expressed by compliance with this section.

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129 5. *Disclaimer of Liability.* This section will not create liability on the part of the Village of
130 Estero or by any officer or employee of the Village for any flood damage that results
131 from reliance on this section or any administrative decision lawfully made under it.
132

133 **B. Applicability.**

134 1. *General.*

135
136 A. Where there is a conflict between a general requirement and a specific requirement,
137 the specific requirement will be applicable.
138

139 B. This section applies to all flood hazard areas within the Village of Estero, as
140 established in subsection C below.
141

142 C. The Flood Insurance Study for Lee County, Florida and Incorporated Areas,
143 effective November 17, 2022~~August 28, 2008~~, and all subsequent amendments and
144 revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all
145 subsequent amendments and revisions to such maps, are adopted by reference as a
146 part of this section and will serve as the minimum basis for establishing flood hazard
147 areas. Studies and maps that establish flood hazard areas are on file at the Village
148 ~~Hall~~Department of Community Development.
149

150 2. *Submission of Additional Data to Establish Flood Hazard Area.* To establish flood
151 hazard areas and base flood elevations, in accordance with Sec. 7-301.E, Site Plans and
152 Construction Documents, the Floodplain Administrator may require submission of
153 additional data. Where field surveyed topography prepared by a Florida licensed
154 professional surveyor or digital topography accepted by the community indicates that
155 ground elevations:
156

157 A. Are below the closest applicable base flood elevation, even in areas not delineated
158 as a special flood hazard area on a FIRM, the area will be considered as a flood
159 hazard area and subject to the requirements of this section and, as applicable, the
160 requirements of the Florida Building Code.
161

162 B. Are above the closest applicable base flood elevation, the area will be regulated as
163 a special flood hazard area unless the applicant obtains a Letter of Map Change that
164 removes the area from the special flood hazard area.
165

166 3. *Other Laws.* The provisions of this section will not be deemed to nullify any provisions
167 of local, state, or federal law.
168

169 4. *Abrogation and Greater Restrictions.* This section supersedes any regulations in effect
170 for management of development in flood hazard areas. However, it is not intended to
171 repeal or abrogate any existing regulations including but not limited to land development

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172 regulations, zoning resolutions, stormwater management regulations, or the Florida
173 Building Code. In the event of a conflict between this section and any other regulations,
174 the more restrictive will govern. This section will not impair any deed restriction,
175 covenant, or easement, but any land that is subject to such interests will also be governed
176 by this section.
177

178 5. Interpretation. In the interpretation and application of this article, all provisions will be:
179

180 A. Considered as minimum requirements;

181 B. Liberally construed in favor of the governing body; and

182 C. Deemed neither to limit nor repeal any other powers granted under state statutes.
183

184 **C. Duties and Powers of the Floodplain Administrator.**
185

- 186 1. *Designation.* The Village Manager is designated as the Floodplain Administrator and
187 may delegate another person to serve in this capacity. The Floodplain Administrator may
188 delegate performance of certain duties to other employees.
189
- 190 2. *General.* The Floodplain Administrator is authorized and directed to administer and
191 enforce the provisions of this section. The Floodplain Administrator will have the
192 authority to render interpretations of this section consistent with the intent and purpose
193 of this section and may establish policies and procedures in order to clarify the
194 application of its provisions. Such interpretations, policies, and procedures will not have
195 the effect of waiving requirements specifically provided in this section without the
196 granting of a variance pursuant to Sec. 7-301.G, Variances and Appeals.
197
- 198 3. *Applications and Permits.* The Floodplain Administrator, in coordination with other
199 pertinent offices of the community, will:
200
- 201 A. Review applications and plans to determine whether proposed new development
202 will be located in flood hazard areas;
 - 203 B. Review applications for modification of any existing development in flood hazard
204 areas for compliance with the requirements of this section;
 - 205 C. Interpret flood hazard area boundaries where such interpretation is necessary to
206 determine the exact location of boundaries; a person contesting the determination
207 will have the opportunity to appeal the interpretation;
 - 208 D. Provide available flood elevation and flood hazard information;
 - 209 E. Determine whether additional flood hazard data will be obtained from other sources
210 or will be developed by an applicant;
 - 211 F. Review applications to determine whether proposed development will be
212 reasonably safe from flooding;
 - 213 G. Issue floodplain development permits or approvals for development other than
214 buildings and structures that are subject to the Florida Building Code, including

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- 215 buildings, structures and facilities exempt from the Florida Building Code, when
216 compliance with this section is demonstrated, or disapprove the same in the event
217 of noncompliance; and
- 218 H. Coordinate to assure that applications, plan reviews, and inspections for buildings
219 and structures in flood hazard areas comply with the applicable provisions of this
220 section.
- 221
- 222 4. *Substantial Improvement and Substantial Damage Determinations.* For applications for
223 building permits to improve buildings and structures, including alterations, movement,
224 enlargement, replacement, repair, change of occupancy, additions, rehabilitations,
225 renovations, substantial improvements, repairs of substantial damage, and any other
226 improvement of or work on such buildings and structures ~~such that the value or size of~~
227 ~~the buildings increases by at least 50 percent, calculated over the preceding five years,~~
228 the Floodplain Administrator shall:
- 229
- 230 A. Estimate the market value or require the applicant to obtain an appraisal of the
231 market value prepared by using the Building Cost Value in the property appraiser's
232 records unless a qualified independent appraiser of just the structure is submitted,
233 of the building or structure before the start of construction of the proposed work; in
234 the case of repair. the market value of the building or structure will be the market
235 value before the damage occurred and before any repairs are made;
- 236
- 237 B. Compare the cost to perform the improvement, the cost to repair a damaged
238 building to its pre-damaged condition, or the combined costs of improvements and
239 repairs, if applicable, to the market value of the building or structure;
- 240
- 241 C. Determine and document whether the proposed work constitutes substantial
242 improvement or repair of substantial damage; the determination requires evaluation
243 of previous permits issued for improvements and repairs as specified in the
244 definition of "substantial improvement" and previous permits issued for repair of
245 flood-related damage; and
- 246
- 247 D. Notify the applicant if it is determined that the work constitutes substantial
248 improvement or repair of substantial damage and that compliance with the flood
249 resistant construction requirements of the Florida Building Code and this section is
250 required.
- 251
- 252 5. *Modifications of the Strict Application of the Requirements of the Florida Building Code.*
253 The Floodplain Administrator will review requests submitted to the Building Official
254 that seek approval to modify the strict application of the flood load and flood resistant
255 construction requirements of the Florida Building Code to determine whether such
256 requests require the granting of a variance in accordance with Sec. 7-301.G, Variances
257 and Appeals.

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6. *Notices and Orders.* The Floodplain Administrator will coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

7. *Inspections.* The Floodplain Administrator will make the required inspections as specified in Sec. 7-301.F, Inspections, for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator will inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

8. *Other Duties of the Floodplain Administrator.* The Floodplain Administrator will have other duties, including but not limited to:
 - A. Establishing procedures for administering and documenting determinations of substantial improvement and substantial damage in accordance with Sec. 7-301.C.4, Substantial Improvement and Substantial Damage Determinations;
 - B. Requiring 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);
 - C. Requiring applicants who submit hydrologic and hydraulic engineering analyses to support 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, flood hazard area boundaries, or floodway designations; such submissions will be made within six months of such data becoming available;
 - D. Reviewing required design certifications and documentation of elevations specified by this section and the Florida Building Code to determine that such certifications and documentations are complete;
 - E. Notifying FEMA when the corporate boundaries of the Village are modified; and
 - F. Advising applicants for new buildings and structures, including substantial improvements, which 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."

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301 9. *Floodplain Management Records*. Regardless of any limitation on the period required
302 for retention of public records, the Floodplain Administrator will maintain and
303 permanently keep and make available for public inspection all records that are necessary
304 for the administration of this section and the flood resistant construction requirements of
305 the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map
306 Change; records of issuance of permits and denial of permits; determinations of whether
307 proposed work constitutes substantial improvement or repair of substantial damage;
308 required design certifications and documentation of elevations specified by the Florida
309 Building Code and this section; notifications to adjacent communities, FEMA, and the
310 state related to alterations of watercourses; assurances that the flood carrying capacity
311 of altered watercourses will be maintained; documentation related to appeals and
312 variances, including justification for issuance or denial; and records of enforcement
313 actions taken in accordance with this section and the flood resistant construction
314 requirements of the Florida Building Code. These records are available for public
315 inspection at the Village Hall.

316

317 **D. Permits.**

318

319 1. *Permits Required*. Any owner or owner's authorized agent also referred to as "applicant"
320 who intends to undertake any development activity within the scope of this section,
321 including buildings, structures and facilities exempt from the Florida Building Code,
322 which is wholly within or partially within any flood hazard area shall first make
323 application to the Floodplain Administrator and obtain the required permits and
324 approvals. No such permit or approval will be issued until compliance with the
325 requirements of this section and all other applicable codes and regulations has been
326 satisfied.

327

328 2. *Floodplain Development Permits or Approvals*. Floodplain development permits or
329 approvals will be issued in accordance with this section for any development activities
330 not subject to the requirements of the Florida Building Code including buildings,
331 structures, and facilities exempt from the Florida Building Code. Depending on the
332 nature and extent of proposed development that includes a building or structure, the
333 Floodplain Administrator may determine that a floodplain development permit or
334 approval is required in addition to a building permit.

335

336 3. *Buildings, Structures, and Facilities Exempt from the Florida Building Code*. In
337 accordance with the requirements of federal regulation for participation in the National
338 Flood Insurance Program (44 CFR Secs. 59 and 60), floodplain development permits or
339 approvals will be required for buildings, structures and facilities that are exempt from
340 the Florida Building Code and any further exemptions provided by law, which are
341 subject to the requirements of this section.

342

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- 343 4. *Application for a Permit or Approval.* To obtain a floodplain development permit or
344 approval the applicant shall first file an application in writing on a form furnished by the
345 Village. The information provided shall:
346
- 347 A. Identify and describe the development to be covered by the permit or approval.
 - 348
 - 349 B. Describe the land on which the proposed development is to be conducted by legal
350 description, street address or similar description that will readily identify and
351 definitively locate the site.
 - 352
 - 353 C. Indicate the use and occupancy for which the proposed development is intended.
 - 354
 - 355 D. Be accompanied by a site plan or construction documents as specified in Sec.
356 7-301.E, Site Plans and Construction Documents.
 - 357
 - 358 E. State the valuation of the proposed work.
 - 359
 - 360 F. Be signed by the applicant or the applicant's authorized agent.
 - 361
 - 362 G. Give such other data and information as required by the Floodplain Administrator.
 - 363
- 364 5. *Validity of Permit or Approval.* The issuance of a floodplain development permit or
365 approval in accordance with this section shall not be construed to be a permit for, or
366 approval of, any violation of this section, the Florida Building Codes, or any other
367 Village regulations. The issuance of permits based on submitted applications,
368 construction documents, and information will not prevent the Floodplain Administrator
369 from requiring the correction of errors and omissions.
370
- 371 6. *Suspension or Revocation.* The Floodplain Administrator is authorized to suspend or
372 revoke a floodplain development permit or approval if the permit was issued in error; on
373 the basis of incorrect, inaccurate, or incomplete information; or in violation of this
374 section or any other section, regulation, or requirement of the Village.
375
- 376 7. *Other Permits Required.* Floodplain development permits and building permits shall
377 include a condition that all other applicable state or federal permits be obtained before
378 commencement of the permitted development, including but not limited to the following:
379
- 380 A. SFWMD; F.S. § 373.036.
 - 381
 - 382 B. Florida Department of Health for onsite sewage treatment and disposal systems;
383 F.S. § 381.0065 and Ch. 64E-6, F.A.C.
 - 384
 - 385 C. FDEP for activities subject to the Joint Coastal Permit; F.S. § 161.055.

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- D. FDEP for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Sec. 404 of the Clean Water Act.
- E. Federal permits and approvals.

E. Site Plans and Construction Documents.

- 1. *Information for Development in Flood Hazard Areas.*
 - A. The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and include, as applicable to the proposed development:
 - 1. Delineation of 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 Sec. 7-301.E.2.B or Sec. 7-301.E.2.C.
 - 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 Sec. 7-301.E.2.A.
 - 4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
 - 5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 - 6. If the placement of fill is 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. Extent of any proposed alteration of mangrove stands, provided such alteration is approved by FDEP.
 - 8. Existing and proposed alignment of any proposed alteration of a watercourse.

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- 429 9. Estimated labor and material costs.
430
431 B. The Floodplain Administrator is authorized to waive the submission of site plans,
432 construction documents, and other data that are required by this section but that are
433 not required to be prepared by a registered design professional if it is found that the
434 nature of the proposed development is such that the review of such submissions is
435 not necessary to ascertain compliance with this section.
436
437 2. *Information in Flood Hazard Areas without Base Flood Elevations (Approximate Zone*
438 *A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data
439 have not been provided, the Floodplain Administrator shall:
440
441 A. Require the applicant to include base flood elevation data prepared in accordance
442 with currently accepted engineering practices.
443
444 B. Obtain, review, and provide to applicants base flood elevation and floodway data
445 available from a federal or state agency or other source or require the applicant to
446 obtain and use base flood elevation and floodway data available from a federal or
447 state agency or other source.
448
449 C. Where base flood elevation and floodway data are not available from another
450 source, where the available data are deemed by the Floodplain Administrator to not
451 reasonably reflect flooding conditions, or where the available data are known to be
452 scientifically or technically incorrect or otherwise inadequate:
453
454 1. Require the applicant to include base flood elevation data prepared in
455 accordance with currently accepted engineering practices; or
456
457 2. Specify that the base flood elevation is two feet above the highest adjacent
458 grade at the location of the development, provided there is no evidence
459 indicating flood depths have been or may be greater than two feet.
460
461 D. Where the base flood elevation data are to be used to support a Letter of Map
462 Change from FEMA, advise the applicant that the analyses shall be prepared by a
463 Florida licensed engineer in a format required by FEMA, and that it shall be the
464 responsibility of the applicant to satisfy the submittal requirements and pay the
465 processing fees.
466
467 3. *Additional Analyses and Certifications.* As applicable to the location and nature of the
468 proposed development activity, and in addition to the requirements of this section, the
469 applicant shall have the following analyses signed and sealed by a Florida licensed
470 engineer for submission with the site plan and construction documents:
471

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- 472 A. For development activities proposed to be located in a regulatory floodway, a
473 floodway encroachment analysis that demonstrates that the encroachment of the
474 proposed development will not cause any increase in base flood elevations; where
475 the applicant proposes to undertake development activities that do increase base
476 flood elevations, the applicant shall submit such analysis to FEMA as specified in
477 Sec. 7-301.E.4, Submission of Additional Data, and shall submit the Conditional
478 Letter of Map Revision, if issued by FEMA, with the site plan and construction
479 documents.
480
- 481 B. For development activities proposed to be located in a riverine flood hazard area
482 for which base flood elevations are included in the Flood Insurance Study or on the
483 FIRM and floodways have not been designated, hydrologic and hydraulic analyses
484 that demonstrate that the cumulative effect of the proposed development, when
485 combined with all other existing and anticipated flood hazard area encroachments,
486 will not increase the base flood elevation more than one foot at any point within the
487 community. This requirement does not apply in isolated flood hazard areas not
488 connected to a riverine flood hazard area or in flood hazard areas identified as Zone
489 AO or Zone AH.
490
- 491 C. For alteration of a watercourse, an engineering analysis prepared in accordance with
492 standard engineering practices which demonstrates that the flood-carrying capacity
493 of the altered or relocated portion of the watercourse will not be decreased, and
494 certification that the altered watercourse shall be maintained in a manner which
495 preserves the channel's flood-carrying capacity; the applicant shall submit the
496 analysis to FEMA as specified in Sec. 7-301.E.4, Submission of Additional Data.
497
- 498 D. For activities that propose to alter ~~sand dunes or~~ mangrove stands in coastal high
499 hazard areas (Zone V), an engineering analysis that demonstrates that the proposed
500 alteration will not increase the potential for flood damage.
501
- 502 4. *Submission of Additional Data.* When additional hydrologic, hydraulic or other
503 engineering data, studies, and additional analyses are submitted to support an
504 application, the applicant has the right to seek a Letter of Map Change from FEMA to
505 change the base flood elevations, change floodway boundaries, or change boundaries of
506 flood hazard areas shown on FIRMs, and to submit such data to FEMA for such
507 purposes. The analyses shall be prepared by a Florida licensed engineer in a format
508 required by FEMA. Submittal requirements and processing fees will be the responsibility
509 of the applicant.
- 510 F. **Inspections.**
- 511 1. *General.* Development for which a floodplain development permit or approval is
512 required will be subject to inspection.
513

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- 514 2. *Development Other than Buildings or Structures.* The Floodplain Administrator will
515 inspect all development to determine compliance with the requirements of this section
516 and the conditions of approval of a floodplain development permit.
517
- 518 3. *Buildings, Structures, and Facilities Exempt from the Florida Building Code.* The
519 Floodplain Administrator will inspect buildings, structures, and facilities exempt from
520 the Florida Building Code to determine compliance with the requirements of this section
521 and the conditions of approval of a floodplain development permit.
522
- 523 4. *Building Structures and Facilities Exempt from the Florida Building Code, Lowest Floor*
524 *Inspection.* Upon placement of the lowest floor, including basement, and prior to further
525 vertical construction, the owner of a building, structure, or facility exempt from the
526 Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain
527 Administrator:
528
- 529 A. If a design flood elevation was used to determine the required elevation of the
530 lowest floor, the certification of elevation of the lowest floor prepared and sealed
531 by a Florida licensed professional surveyor; or
532
- 533 B. If the elevation used to determine the required elevation of the lowest floor was
534 determined in accordance with Sec. 7-301.E.2, Information in Flood Hazard Areas
535 without Base Flood Elevations (Approximate Zone A), the documentation of height
536 of the lowest floor above highest adjacent grade, prepared by the owner or the
537 owner's authorized agent.
538
- 539 5. *Buildings, Structures, and Facilities Exempt from the Florida Building Code, Final*
540 *Inspection.* As part of the final inspection, the owner or owner's authorized agent shall
541 submit to the Floodplain Administrator a final certification of elevation of the lowest
542 floor or final documentation of the height of the lowest floor above the highest adjacent
543 grade; such certifications and documentations shall be prepared as specified in Sec.
544 7-301.F.4, Building Structures and Facilities Exempt from the Florida Building Code,
545 Lowest Floor Inspection.
546
- 547 6. *Manufactured Homes.* The Building Official shall inspect manufactured homes that are
548 installed or replaced in flood hazard areas to determine compliance with the
549 requirements of this section and the conditions of the issued permit. Upon placement of
550 a manufactured home, certification of the elevation of the lowest floor shall be submitted
551 to the Building Official.
552

553 **G. Variances and Appeals.**
554

- 555 1. *General.* The **Planning, Zoning and Design Board ("PZDB"), acting as the Board of**
556 **Adjustment and Appeals pursuant to Section 553.73(5), F.S.,** shall hear and decide on

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- 557 requests for appeals and requests for variances from the strict application of this section.
558 This section does not apply to Sec. 3109 of the Florida Building Code, Building.
559
- 560 2. *Appeals.* The PZDB shall hear and decide appeals when it is alleged there is an error in
561 any requirement, decision, or determination made by the Floodplain Administrator in
562 the administration and enforcement of this section. Any person aggrieved by the decision
563 may appeal such decision to the Circuit Court, as provided by state law.
564
 - 565 3. *Limitations on Authority to Grant Variances.* The PZDB will base its decisions on
566 variances on technical justifications submitted by applicants, the considerations for
567 issuance in Sec. 7-301.G.7, Considerations for Issuance of Variances, the conditions of
568 issuance set forth in Sec. 7-301.G.8, Conditions for Issuance of Variances, and the
569 comments and recommendations of the Building Official. The PZDB has the right to
570 attach such conditions as it deems necessary to further the purposes and objectives of
571 this section.
572
 - 573 4. *Restrictions in Floodways.* A variance will not be issued for any proposed development
574 in a floodway if any increase in base flood elevations would result, as evidenced by the
575 applicable analyses and certifications required in Sec. 7-301.E.3, Additional Analyses
576 and Certifications.
577
 - 578 5. *Historic Buildings.* A variance is authorized to be issued for the repair, improvement, or
579 rehabilitation of a historic building that is determined eligible for the exception to the
580 flood resistant construction requirements of the Florida Building Code, Existing
581 Building, Chapter 12 ~~11~~ Historic Buildings, upon a determination that the proposed
582 repair, improvement, or rehabilitation will not preclude the building's continued
583 designation as a historic building and the variance is the minimum necessary to preserve
584 the historic character and design of the building. If the proposed work precludes the
585 building's continued designation as a historic building, a variance will not be granted and
586 the building and any repair, improvement, and rehabilitation will be subject to the
587 requirements of the Florida Building Code.
588
 - 589 6. *Functionally Dependent Uses.* A variance is authorized to be issued for the construction
590 or substantial improvement necessary for the conduct of a functionally dependent use,
591 as defined in this section, provided the variance meets the requirements of Sec.
592 7-301.G.4, Restrictions in Floodways is the minimum necessary considering the flood
593 hazard, and all due consideration has been given to use of methods and materials that
594 minimize flood damage during occurrence of the base flood.
595
 - 596 7. *Considerations for Issuance of Variances.* In reviewing requests for variances, the PZDB
597 will consider all technical evaluations, all relevant factors, all other applicable provisions
598 of the Florida Building Code, this section, and the following:
599

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- 600 A. The danger that materials and debris may be swept onto other lands resulting in
601 further injury or damage;
- 602 B. The danger to life and property due to flooding or erosion damage;
- 603 C. The susceptibility of the proposed development, including contents, to flood
604 damage and the effect of such damage on current and future owners;
- 605 D. The importance of the services provided by the proposed development to the
606 community;
- 607 E. The availability of alternate locations for the proposed development that are subject
608 to lower risk of flooding or erosion;
- 609 F. The compatibility of the proposed development with existing and anticipated
610 development;
- 611 G. The relationship of the proposed development to the comprehensive plan and
612 floodplain management program for the area;
- 613 H. The safety of access to the property in times of flooding for ordinary and emergency
614 vehicles;
- 615 I. The expected heights, velocity, duration, rate of rise and debris and sediment
616 transport of the floodwaters and the effects of wave action, if applicable expected
617 at the site; and
- 618 J. The costs of providing governmental services during and after flood conditions
619 including maintenance and repair of public utilities and facilities such as sewer, gas,
620 electrical and water systems, streets and bridges.
- 621
- 622 8. *Conditions for Issuance of Variances.* Variances may be issued only upon:
- 623
- 624 A. Submission by the applicant of a showing of good and sufficient cause that the
625 unique characteristics of the size, configuration, or topography of the site limit
626 compliance with any provision of this section or the required elevation standards;
- 627
- 628 B. Determination by the PZDB that:
- 629
- 630 1. Failure to grant the variance would result in exceptional hardship due to the
631 physical characteristics of the land that render the lot undevelopable; increased
632 costs to satisfy the requirements or inconvenience do not constitute hardship;
- 633
- 634 2. The granting of a variance will not result in increased flood heights, additional
635 threats to public safety, extraordinary public expense, nor create nuisances,
636 cause fraud on or victimization of the public or conflict with existing local
637 laws and regulations; and
- 638 3. The variance is the minimum necessary, considering the flood hazard, to
639 afford relief;
- 640
- 641 C. If the request is for a variance to allow construction of the lowest floor of a new
642 building, or substantial improvement of a building, below the required elevation, a

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643 copy in the record of a written notice from the Floodplain Administrator to the
644 applicant for the variance, specifying the difference between the base flood
645 elevation and the proposed elevation of the lowest floor, stating that the cost of
646 federal flood insurance will be commensurate with the increased risk resulting from
647 the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance
648 coverage), and stating that construction below the base flood elevation increases
649 risks to life and property.
650

651 H. **Violations.** Any development that is not within the scope of the Florida Building Code but
652 that is regulated by this section that is performed without an issued permit, that is in conflict
653 with an issued permit, or that does not fully comply with this section, will be deemed a
654 violation of this LDC. A building or structure without the documentation of elevation of the
655 lowest floor, other required design certifications, or other evidence of compliance required
656 by this section or the Florida Building Code is presumed to be a violation until such time as
657 that documentation is provided.
658

659 1. *Authority.* For development that is not within the scope of the Florida Building Code but
660 that is regulated by this section and that is determined to be a violation, the Floodplain
661 Administrator is authorized to serve notices of violation or stop work orders to owners
662 of the property involved, to the owner's agent, or to the person or persons performing the
663 work.
664

665 2. *Unlawful Continuance.* Any person who continues any work after having been served
666 with a notice of violation or a stop work order, except such work as that person is directed
667 to perform to remove or remedy a violation or unsafe condition, will be subject to
668 penalties as prescribed by law.
669

670 7-302. Flood Resistant Development.

671 A. Buildings and Structures ~~Exempt from Florida Building Code.~~

672 1. Building and Structures Exempt from Florida Building Code. In accordance with Sec.
673 7-301.D.3, Buildings, Structures, and Facilities Exempt from the Florida Building Code,
674 buildings, structures, and facilities that are exempt from the Florida Building Code, including
675 substantial improvement or repair of substantial damage of such buildings, structures and
676 facilities, shall be designed and constructed in accordance with the flood load and flood
677 resistant construction requirements of ASCE 24. Structures exempt from the Florida Building
678 Code that are not walled and roofed buildings shall comply with the requirements of Sec. 7-
679 302.G, Other Development.
680

681 2. Amend the definitions of "substantial damage" and "substantial improvement" in the
682 Florida Building Code, Building Section 202, and Florida Building Code. Existing Building
683 Section 202, as follows:
684

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685 **SUBSTANTIAL DAMAGE.** For the purposes of determining compliance with the
686 flood provisions of this Code, damage of any origin sustained by a structure whereby the cost
687 of restoring the structure to its before-damaged condition would equal or exceed 50 percent of
688 the market value of the structure before the damage occurred. The term also includes
689 buildings and structures that have experienced repetitive loss.
690

691 **SUBSTANTIAL IMPROVEMENT.** For the purposes of determining compliance
692 with the flood provision of this Code, any combination of repair, reconstruction,
693 rehabilitation, alteration, addition, or other improvement of a building or structure taking
694 place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of
695 the market value of the structure before the improvement or repair is started. The period of
696 accumulation begins with the first improvement or repair of each building is permitted
697 subsequent to November 18, 1992. If the structure has sustained substantial damage, any
698 repairs are considered substantial improvement regardless of the actual repair work
699 performed. The term does not, however, include either:
700

701 1. Any project for improvement of a building required to correct existing health,
702 sanitary or safety code violations identified by the building official and that is the minimum
703 necessary to assure safe living conditions.
704

705 2. Any alteration of a historic structure provided that the alteration will not preclude
706 the structure's continued designation as a historic structure.
707

708 **B. Subdivisions.**
709

710 1. *Minimum Requirements.* Subdivision proposals, including proposals for manufactured
711 home parks and subdivisions, shall be reviewed to determine that:
712

713 A. Such proposals are consistent with the need to minimize flood damage and will be
714 reasonably safe from flooding;
715

716 B. All public utilities and facilities such as sewer, gas, electric, communications, and
717 water systems are located and constructed to minimize or eliminate flood damage;
718 and
719

720 C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH
721 and AO, adequate drainage paths shall be provided to guide floodwaters around and
722 away from proposed structures.
723

724 2. *Standards for Subdivision and Other Development Proposals.* Where any portion of
725 proposed subdivisions, including manufactured home parks and subdivisions, lies within
726 a flood hazard area, the following shall be required:
727

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- 728 A. Where the subdivision is greater than 50 lots or five acres and base flood elevations
729 are not included on the FIRM, base flood elevations determined in accordance with
730 Sec. 7-301.E.2.A; and
731
- 732 B. Compliance with the site improvement and utilities requirements of Sec. 7-302.C,
733 Site Improvements, Utilities and Limitations.
734
- 735 **C. Site Improvements, Utilities and Limitations.**
736
- 737 1. *Minimum Requirements.* All proposed new development will be reviewed to determine
738 that:
739
- 740 A. Such proposals are consistent with the need to minimize flood damage and will be
741 reasonably safe from flooding;
742
- 743 B. All public utilities and facilities such as sewer, gas, electric, communications, and
744 water systems are located and constructed to minimize or eliminate flood damage;
745 and
746
- 747 C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH
748 and AO, adequate drainage paths shall be provided to guide floodwaters around and
749 away from proposed structures.
750
- 751 2. *Sanitary Sewage Facilities.* All new and replacement sanitary sewage facilities, private
752 sewage treatment plants (including all pumping stations and collector systems), and on-
753 site waste disposal systems shall be designed in accordance with the standards for onsite
754 sewage treatment and disposal systems in Ch. 64E-6, F.A.C. and ASCE 24 Ch. 7 to
755 minimize or eliminate infiltration of floodwaters into the facilities and discharge from
756 the facilities into floodwaters, and impairment of the facilities and systems.
757
- 758 3. *Water Supply Facilities.* All new and replacement water supply facilities shall be
759 designed in accordance with the water well construction standards in Ch. 62-532.500,
760 F.A.C. and ASCE 24 Ch. 7 to minimize or eliminate infiltration of floodwaters into the
761 systems.
762
- 763 4. *Limitations on Sites in Regulatory Floodways.* No development, including but not
764 limited to site improvements, and land disturbing activity involving fill or regrading,
765 may be authorized in the regulatory floodway unless the floodway encroachment
766 analysis required in Sec. 7-301.E.3.A, demonstrates that the proposed development or
767 land disturbing activity will not result in any increase in the base flood elevation.
768
- 769 5. *Limitations on Placement of Fill.* Subject to the limitations of this section, fill shall be
770 designed to be stable under conditions of flooding, including rapid rise and rapid

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771 drawdown of floodwaters, prolonged inundation, and protection against flood-related
772 erosion and scour. In addition to these requirements, if intended to support buildings and
773 structures (Zone A only), fill shall comply with the requirements of the Florida Building
774 Code.

775
776 6. *Limitations on Sites in Coastal High Hazard Areas (Zone V)*. In coastal high hazard
777 areas, alteration of sand dunes and mangrove stands will be permitted only if such
778 alteration is approved by the FDEP and only if the engineering analysis required by Sec.
779 7-301.E.3.D demonstrates that the proposed alteration will not increase the potential for
780 flood damage.

781
782 **D. Manufactured Homes.**

783
784 1. *General.*

785
786 A. All manufactured homes installed in flood hazard areas shall be installed by an
787 installer that is licensed in accordance with F.S. § 320.8249, and shall comply with
788 the requirements of Ch. 15C-1, F.A.C. and the requirements of this section.

789
790 B. The placement of manufactured homes or recreational vehicles is prohibited in
791 coastal high hazard areas (Zone V), except in an existing manufactured home or
792 recreational vehicle park or subdivision. A replacement manufactured home or
793 recreational vehicle may be placed on a lot in an existing manufactured home or
794 recreational vehicle park or subdivision, provided the anchoring standards of Sec.
795 7-302.D.3, Anchoring, and the elevation standards of Sec. 7-302.D.4, Elevation, 7-
796 302.D.5, General Elevation Requirement, and Sec. 7-302.D.6, Elevation
797 Requirement for Certain Existing Manufactured Home Parks and Subdivisions, as
798 applicable, are met. New or expanded manufactured home or recreational vehicle
799 parks or subdivisions are prohibited until such time, if ever, that Village of Estero
800 Plan Policy 80.1.2 is amended or repealed so as to allow such new or expanded
801 manufactured home or recreational vehicle development.

802
803 2. *Foundations.* All new manufactured homes and replacement manufactured homes
804 installed in flood hazard areas shall be installed on permanent, reinforced foundations
805 that:

806
807 A. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed
808 in accordance with the foundation requirements of the Florida Building Code,
809 Residential Section R322.2 and this section. ~~Foundations for manufactured homes~~
810 ~~subject to Sec. 7-302.D.6.B are permitted to be reinforced piers or other foundation~~
811 ~~elements of at least equivalent strength.~~

812

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- 813 B. In coastal high hazard areas (Zone V), are designed in accordance with the
814 foundation requirements of the Florida Building Code, Residential Section R322.3
815 and this section.
816
- 817 3. *Anchoring.* All new manufactured homes and replacement manufactured homes shall be
818 installed using methods and practices which minimize flood damage and shall be
819 securely anchored to an adequately anchored foundation system to resist flotation,
820 collapse, or lateral movement. Methods of anchoring include, but are not limited to, use
821 of over-the-top or frame ties to ground anchors. This anchoring requirement is in
822 addition to applicable state and local anchoring requirements for wind resistance.
823
- 824 4. *Elevation.* All manufactured homes that are placed, replaced, or substantially improved
825 in flood hazard areas shall be elevated such that the bottom of the frame is at or above
826 the elevation required, as applicable to the flood hazard area, in the *Florida Building*
827 *Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A*
828 *Zone).* ~~Manufactured homes that are placed, replaced, or substantially improved shall~~
829 ~~comply with Sec. 7-302.D.5, General Elevation Requirement, and Sec. 7-302.D.6,~~
830 ~~Elevation Requirement for Certain Existing Manufactured Home Parks and~~
831 ~~Subdivisions, as applicable.~~
832
- 833 ~~5. *General Elevation Requirement.* Unless subject to the requirements of Sec. 7-302.D.6,~~
834 ~~Elevation Requirement for Certain Existing Manufactured Home Parks and~~
835 ~~Subdivisions, all manufactured homes that are placed, replaced, or substantially~~
836 ~~improved on sites located: (a) outside of a manufactured home park or subdivision; (b)~~
837 ~~in a new manufactured home park or subdivision; (c) in an expansion to an existing~~
838 ~~manufactured home park or subdivision; or (d) in an existing manufactured home park~~
839 ~~or subdivision upon which a manufactured home has incurred "substantial damage" as~~
840 ~~the result of a flood, shall be elevated such that the top or the lowest floor is at or above~~
841 ~~the elevation required, as applicable to the flood hazard area, in the Florida Building~~
842 ~~Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).~~
843 ~~6. *Elevation Requirement for Certain Existing Manufactured Home Parks and*~~
844 ~~*Subdivisions.* Manufactured homes that are not subject to Sec. 7-302.D.5, General~~
845 ~~Elevation Requirement, including manufactured homes that are placed, replaced, or~~
846 ~~substantially improved on sites located in an existing manufactured home park or~~
847 ~~subdivision, unless on a site where substantial damage as result of flooding has occurred,~~
848 ~~shall be elevated such that either the:~~
849
- 850 ~~A. Top or the lowest floor of the manufactured home is at or above the elevation~~
851 ~~required, as applicable to the flood hazard area, in the Florida Building Code,~~
852 ~~Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~
853
- 854 ~~B. Bottom of the frame is supported by reinforced piers or other foundation elements~~
855 ~~of at least equivalent strength that are not less than 36 inches in height above grade.~~

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5.7. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Sections R322.2 or R322.3, for such enclosed areas, as applicable to the flood hazard area.

6.8. 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 flood hazard area.

E. Recreational Vehicles and Park Trailers.

1. *Temporary Placement.* Recreational vehicles and park trailers placed temporarily in 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 model 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.

2. *Permanent Placement.* Recreational vehicles and park trailers that do not meet the limitations in Sec. 7-302.E.1, Temporary Placement, shall meet the requirements of Sec. 7-302.D, Manufactured Homes.

F. Tanks.

1. *Underground Tanks.* Underground tanks in 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.

2. *Above-Ground Tanks, Not Elevated.* Above-ground tanks that do not meet the elevation requirements of Sec. 7-302.F.3, Above Ground Tanks, Elevated, shall:

- A. Be permitted only in flood hazard areas (Zone A) other than coastal high hazard areas, 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).

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899 3. *Above Ground Tanks, Elevated.* Above-ground tanks in flood hazard areas shall be
900 attached to and elevated to or above the design flood elevation on a supporting structure
901 that is designed to prevent flotation, collapse, or lateral movement during conditions of
902 the design flood. Tank-supporting structures shall meet the foundation requirements of
903 the applicable flood hazard area.

904
905 4. *Tank Inlets and Vents.* Tank inlets, fill openings, outlets, and vents shall be:

906
907 A. At or above the design flood elevation or fitted with covers designed to prevent the
908 inflow of floodwater or outflow of the contents of the tanks during conditions of
909 the design flood; and

910
911 B. Anchored to prevent lateral movement resulting from hydrodynamic and
912 hydrostatic loads, including the effects of buoyancy, during conditions of the design
913 flood.

914
915 **G. Other Development.**

916
917 1. *General Requirements for Other Developments.* All development, including man-made
918 changes to improved or unimproved real estate for which specific provisions are not
919 specified in this section or the Florida Building Code, shall:

920
921 A. Be located and constructed to minimize flood damage;

922
923 B. Meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory
924 Floodways, if located in a regulated floodway;

925
926 C. Be anchored to prevent flotation, collapse, or lateral movement resulting from
927 hydrostatic loads, including the effects of buoyancy, during conditions of the design
928 flood;

929
930 D. Be constructed of flood damage-resistant materials; and

931
932 E. Have mechanical, plumbing, and electrical systems above the design flood
933 elevation, except that minimum electric service required to address life safety and
934 electric code requirements is permitted below the design flood elevation provided
935 it conforms to the provisions of the electrical part of the Building Code for wet
936 locations.

937
938 2. ~~*Accessory Structures.* Accessory structures are not required to meet the elevation
939 requirements if they meet all of the following requirements, in addition to those set forth
940 in Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways:~~

941

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- 942 ~~A. The structure is securely anchored to resist flotation, collapse, and lateral~~
943 ~~movement;~~
944
945 ~~B. The building is a minimal investment, and the total size of the building does not~~
946 ~~exceed 1,000 square feet in floor area;~~
947
948 ~~C. The structure is used exclusively for uninhabitable parking or storage purposes;~~
949
950 ~~D. All electrical or heating equipment is elevated above the base flood elevation or~~
951 ~~otherwise protected from intrusion of floodwaters; and~~
952
953 ~~E. For accessory structures located in coastal high hazard areas (V-zones), breakaway~~
954 ~~walls are used below the lowest floor.~~

955
956 Non-elevated accessory structures. Accessory structures are permitted below elevations
957 required by the Florida Building Code provided the accessory structures are used only
958 for parking or storage and:
959

960 A. If located in special flood hazard areas (Zone A/AE) other than coastal high
961 hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in
962 accordance with Section R322.2 of the Florida Building Code, Residential.

963
964 B. If located in coastal high hazard areas (Zone V/VE), are not located below
965 elevated buildings and are not larger than 100 sq. ft.

966
967 C. Are anchored to resist flotation, collapse or lateral movement resulting from flood
968 loads.

969
970 D. Have flood damage-resistant materials used below the base flood elevation plus
971 one (1) foot.

972
973 E. Have mechanical, plumbing and electrical systems, including plumbing fixtures,
974 elevated to or above the base flood elevation plus one (1) foot.

975
976 3. *Fences in Regulated Floodways.* Fences in regulated floodways that have the potential
977 to block the passage of floodwaters shall meet the limitations of Sec. 7-302.C.4,
978 Limitations on Sites in Regulatory Floodways.

979
980 4. *Retaining Walls, Sidewalks and Driveways in Regulated Floodways.* Retaining walls and
981 sidewalks and driveways that involve the placement of fill in regulated floodways shall
982 meet the limitations of Sec. 7-302.C.4, Limitations on Sites in Regulatory Floodways.
983

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- 984 5. *Roads and Watercourse Crossings in Regulated Floodways.* Roads and watercourse
985 crossings, including roads, bridges, culverts, low-water crossings, and similar means for
986 vehicles or pedestrians to travel from one side of a watercourse to the other side, that
987 encroach into regulated floodways, shall meet the limitations of Sec. 7-302.C.4,
988 Limitations on Sites in Regulatory Floodways. Alteration of a watercourse that is part of
989 a road or watercourse crossing shall meet the requirements of Sec. 7-301.E.3, Additional
990 Analyses and Certifications.
991
- 992 6. *Concrete Slabs Used as Parking Pads, Enclosure Floors, Landings, Decks, Walkways,*
993 *Patios, and Similar Nonstructural Uses in Coastal High Hazard Areas (Zone V).* In
994 coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings,
995 decks, walkways, patios, and similar nonstructural uses are permitted beneath or adjacent
996 to buildings and structures, provided the concrete slabs are designed and constructed to
997 be:
998
- 999 A. Structurally independent of the foundation system of the building or structure;
1000
1001 B. Frangible and not reinforced, so as to minimize debris during flooding that is
1002 capable of causing significant damage to any structure; and
1003
1004 C. Have a maximum slab thickness of not more than four inches.
1005
- 1006 7. *Decks and Patios in Coastal High Hazard Areas (Zone V).* In addition to the
1007 requirements of the Florida Building Code, in coastal high hazard areas, decks and patios
1008 shall be located, designed, and constructed in compliance with the following:
1009
- 1010 A. A deck that is structurally attached to a building or structure shall have the bottom
1011 of the lowest horizontal structural member at or above the design flood elevation
1012 and any supporting members that extend below the design flood elevation shall
1013 comply with the foundation requirements that apply to the building or structure,
1014 which shall be designed to accommodate any increased loads resulting from the
1015 attached deck.
1016
- 1017 B. A deck or patio that is located below the design flood elevation shall be structurally
1018 independent from buildings or structures and their foundation systems and shall be
1019 designed and constructed either to remain intact and in place during design flood
1020 conditions or to break apart into small pieces to minimize debris during flooding
1021 that is capable of causing structural damage to the building or structure, or to
1022 adjacent buildings and structures.
1023
- 1024 C. A deck or patio that has a vertical thickness of more than 12 inches or that is
1025 constructed with more than the minimum amount of fill necessary for site drainage
1026 shall not be approved unless an analysis prepared by a qualified registered design

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1027 professional demonstrates no harmful diversion of floodwaters or wave runup and
1028 wave reflection that would increase damage to the building or structure or to
1029 adjacent buildings and structures.

1030
1031 D. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural
1032 grade or on nonstructural fill material that is similar to and compatible with local
1033 soils and is the minimum amount necessary for site drainage may be approved
1034 without requiring analysis of the impact on diversion of floodwaters or wave runup
1035 and wave reflection.

1036
1037 8. *Other Development in Coastal High Hazard Areas (Zone V)*. In coastal high hazard
1038 areas, development activities other than buildings and structures may be permitted only
1039 if it is also authorized by the appropriate federal, state, or local authority; if located
1040 outside the footprint of, and not structurally attached to, buildings and structures; and if
1041 analyses prepared by qualified registered design professionals demonstrate no harmful
1042 diversion of floodwaters or wave runup and wave reflection that would increase damage
1043 to adjacent buildings and structures. Such other development activities include but are
1044 not limited to:

1045
1046 A. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control
1047 structures;

1048
1049 B. Solid fences and privacy walls. and fences prone to trapping debris. unless designed
1050 and constructed to fail under flood conditions less than the design flood or otherwise
1051 function to avoid obstruction of floodwaters; and

1052
1053 C. On-site sewage treatment and disposal systems defined in Rule 64E-6.002, F.A.C.,
1054 as filled systems or mound systems.

1055
1056 9. *Nonstructural Fill in Coastal High Hazard Areas (Zone V)*. In coastal high hazard areas:

1057
1058 A. Minor grading and the placement of minor quantities of nonstructural fill may be
1059 permitted for landscaping and for drainage purposes under and around buildings.

1060
1061 B. Nonstructural fill with finished slopes that are steeper than one unit vertical to five
1062 units horizontal may be permitted only if an analysis prepared by a qualified
1063 registered design professional demonstrates no harmful diversion of floodwaters or
1064 wave runup and wave reflection that would increase damage to adjacent buildings
1065 and structures.

1066
1067 10. *Critical Facilities*. Critical facilities shall be located outside the limits of the special
1068 flood hazard area where feasible. Construction of new critical facilities shall be
1069 permissible within the special flood hazard area if no feasible alternative site is available.

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1070 If permitted, critical facilities shall be elevated or protected to or above the base flood
1071 elevation, plus two feet, or the 500-year (0.2 percent chance) flood elevation, whichever
1072 is higher. Flood proofing and sealing measures shall be implemented to ensure that toxic
1073 substances will not be displaced by or released into floodwaters. Access routes elevated
1074 to or above the base flood elevation shall be provided to all critical facilities, to the
1075 maximum extent practicable. Critical facilities shall be designed to remain operable
1076 during such an event.
1077

1078 11. *Standards for Areas in the B, C, and X Zones.* All new buildings not located in the areas
1079 of special flood hazard established in Sec. 7-301.B.1.C, shall have the lowest floor
1080 elevation (including basement) constructed at least 12 inches above the crown of the
1081 nearest local street, unless the Building Official determines there are extenuating
1082 circumstances that would preclude meeting that elevation.
1083

1084 **7-303. Definitions.**

1085 **A. General.**

1086 1. *Terms Defined in the Florida Building Code.* Where terms are not defined in this section
1087 and are defined in the Florida Building Code, such terms will have the meanings ascribed
1088 to them in that code.
1089

1090 2. *Terms Not Defined.* Where terms are not defined in this section or the Florida Building
1091 Code, such terms will have ordinarily accepted meanings such as the context implies.
1092

1093 **B. Definitions.** Unless otherwise expressly stated, the following words and terms, for the
1094 purposes of this section only, have the meanings shown in this subsection.
1095

1096 *Accessory structure* means a structure on the same parcel of property as a principal structure and
1097 the use of which is limited to parking and storage incidental to the use of the principal structure.
1098

1099 *Alteration of a Watercourse* means a dam, impoundment, channel relocation, change in channel
1100 alignment, channelization, or change in cross-sectional area of the channel or the channel capacity,
1101 or any other form of modification which may alter, impede, retard or change the direction and/or
1102 velocity of the riverine flow of water during conditions of the base flood.
1103

1104 *Appeal* means a request for a review of the Floodplain Administrator's interpretation of any
1105 provision of this section.
1106

1107 *ASCE 24* means a standard titled Flood Resistant Design and Construction that is referenced by
1108 the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil
1109 Engineers, Reston, VA.
1110

1111
1112

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1113 *Base Flood* means a flood having a one percent chance of being equaled or exceeded in any given
1114 year. [Also defined in Florida Building Code, B, Section 1612.2.] The base flood is commonly
1115 referred to as the "100-year flood" or the "one-percent-annual chance flood."

1116
1117 *Base Flood Elevation* means the elevation of the base flood, including wave height, relative to the
1118 National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other
1119 datum specified on the Flood Insurance Rate Map (FIRM).

1120
1121 *Basement* means the portion of a building having its floor subgrade (below ground level) on all
1122 sides.

1123
1124 *Coastal High Hazard Area* means a special flood hazard area extending from offshore to the inland
1125 limit of a primary frontal dune along an open coast and any other area subject to high velocity
1126 wave action from storms or seismic sources. ~~Coastal high hazard areas are also referred to as "high~~
1127 ~~hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood~~
1128 ~~Insurance Rate Maps (FIRM) as Zone VI-V30, VE, or V.~~

1129
1130 *Conditional Letter of Map Revision (CLOMR)* means a formal review and comment as to whether
1131 a proposed flood protection project or other project complies with the minimum NFIP
1132 requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR
1133 does not revise the effective FIRM or Flood Insurance Study; upon submission and approval of
1134 certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the
1135 effective FIRM.

1136
1137 *Critical Facility* means one or more of the following:

- 1138
- 1139 (1) Structures or facilities that commercially produce, use, or store highly volatile,
1140 flammable, explosive, toxic and/or water-reactive materials that are defined as extremely
1141 hazardous substances by the EPA under Sec. 302 of the Emergency Planning and
1142 Community Right-to-Know Act, Title III of the Superfund Amendments and
1143 Reauthorization Act of 1986, 42 USC;
 - 1144
 - 1145 (2) Nursing homes, hospitals, and social service homes;
 - 1146 (3) Structures used as law enforcement stations, fire stations, governmental vehicle and
1147 equipment storage facilities, and emergency operations centers that are needed for
1148 emergency response activities before, during, and after a flood incident; and
 - 1149 (4) Public or private utility facilities that are vital to maintaining and restoring normal
1150 services to flooded areas before, during, and after a flood incident.

1151
1152 *Design Flood* means the flood associated with the greater of the following two areas:

- 1153
- 1154 (1) Area with a floodplain subject to a one percent or greater chance of flooding in any year;
 - 1155 or

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1156 (2) Area designated as a flood hazard area on the FIRM or otherwise legally designated.
1157

1158 *Design Flood Elevation* means the elevation of the "design flood," including wave height, relative
1159 to the datum specified on the FIRM. In areas designated as Zone AO, the design flood elevation
1160 will be the elevation of the highest existing grade of the building's perimeter plus the depth number
1161 (in feet) specified on the FIRM. In areas designated as Zone AO where the depth number is not
1162 specified on the map, the depth number will be taken as being equal to two feet.
1163

1164 *Development* means any man-made change to improved or unimproved real estate, including but
1165 not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent
1166 storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling
1167 operations, or any other land disturbing activities.
1168

1169 *Encroachment* means the placement of fill, excavation, buildings, permanent structures, or other
1170 development into a flood hazard area which may impede or alter the flow capacity of riverine flood
1171 hazard areas.
1172

1173 *Existing Building and Existing Structure* means any buildings and structures for which the "start
1174 of construction" commenced before September 19, 1984.
1175

1176 *Existing Manufactured Home Park or Subdivision* means a manufactured home park or
1177 subdivision for which the construction of facilities for servicing the lots on which the manufactured
1178 homes are to be affixed (including, at a minimum, the installation of utilities, the construction of
1179 streets, and either final site grading or the pouring of concrete pads) is completed before September
1180 19, 1984.
1181

1182 ~~*Expansion to an Existing Manufactured Home Park or Subdivision* means the preparation of~~
1183 ~~additional sites by the construction of facilities for servicing the lots on which the manufactured~~
1184 ~~homes are to be affixed (including the installation of utilities, the construction of streets, and either~~
1185 ~~final site grading or the pouring of concrete pads).~~
1186

1187 *Federal Emergency Management Agency (FEMA)* means the federal agency that, in addition to
1188 carrying out other functions, administers the National Flood Insurance Program.

1189 *Flood or Flooding* means a general and temporary condition of partial or complete inundation of
1190 normally dry land from:

- 1191
- 1192 (1) The overflow of inland or tidal waters.
 - 1193
 - 1194 (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - 1195

1196 *Flood Damage-Resistant Materials* means any construction material capable of withstanding
1197 direct and prolonged contact with floodwaters without sustaining any damage that requires more
1198 than cosmetic repair.

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1199
1200 *Flood Hazard Area* means the greater of the following two areas:
1201
1202 (1) The area within a floodplain subject to a one percent or greater chance of flooding in any
1203 year.
1204
1205 (2) The area designated as a flood hazard area on the FIRM or otherwise legally designated.
1206
1207 *Flood Insurance Rate Map (FIRM)* means the official map of the Village on which FEMA has
1208 delineated both special flood hazard areas and the risk premium zones applicable to the Village.
1209
1210 *Flood Insurance Study (FIS)* means the official report provided by FEMA that contains the FIRM,
1211 the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base
1212 flood, and supporting technical data.
1213
1214 *Floodplain Administrator* means the office or position designated and charged with the
1215 administration and enforcement of this section (may be referred to as the Floodplain Manager).
1216 The Village Manager serves as the Floodplain Manager in accordance with this section.
1217
1218 *Floodplain Development Permit or Approval* means an official document or certificate issued by
1219 the Floodplain Administrator, or other evidence of approval or concurrence, which authorizes
1220 performance of specific development activities that are located in flood hazard areas and that are
1221 determined to be compliant with this section.
1222
1223 *Floodway* means the channel of a river or other riverine watercourse and the adjacent land areas
1224 that shall be reserved in order to discharge the base flood without cumulatively increasing the
1225 water surface elevation more than one foot.
1226
1227 *Floodway Encroachment Analysis* means an engineering analysis of the impact that a proposed
1228 encroachment into a floodway is expected to have on the floodway boundaries and base flood
1229 elevations. The evaluation shall be prepared by a qualified Florida licensed engineer using standard
1230 engineering methods and models.
1231
1232 *Florida Building Code* means the family of codes adopted by the Florida Building Commission,
1233 including the Florida Building Code, Building; the Florida Building Code, Residential; the Florida
1234 Building Code, Existing Building; the Florida Building Code, Mechanical; the Florida Building
1235 Code, Plumbing; the Florida Building Code, Fuel Gas.
1236
1237 *Functionally Dependent Use* means a use which cannot perform its intended purpose unless it is
1238 located or carried out in close proximity to water, including only docking facilities, port facilities
1239 that are necessary for the loading and unloading of cargo or passengers, and ship building and ship
1240 repair facilities; the term does not include long-term storage or related manufacturing facilities.
1241

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1242 *Highest Adjacent Grade* means the highest natural elevation of the ground surface prior to
1243 construction next to the proposed walls or foundation of a structure.

1244
1245 *Historic Structure* means any structure that is determined eligible for the exception to the flood
1246 hazard area requirements of the Florida Building Code, Existing Building, Chapter 12-4: Historic
1247 Buildings.

1248
1249 *Letter of Map Amendment (LOMA)* means an amendment based on technical data showing that a
1250 property was incorrectly included in a designated special flood hazard area. A LOMA amends the
1251 current effective FIRM and establishes that a specific property, portion of a property, or structure
1252 is not located in a special flood hazard area.

1253
1254 *Letter of Map Change (LOMC)* means an official determination issued by FEMA that amends or
1255 revises the FIRM or FIS. The LOMCs include: Letter of Map Amendment (LOMA), Letter of Map
1256 Revision (LOMR), Letter of Map Revision Based on Fill (LOMR-F), and Conditional Letter of
1257 Map Revision (CLOMR).

1258
1259 *Letter of Map Revision (LOMR)* means a revision based on technical data that may show changes
1260 to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations,
1261 and other planimetric features.

1262
1263 *Letter of Map Revision Based on Fill (LOMR-F)* means a determination that a structure or parcel
1264 of land has been elevated by fill above the base flood elevation and is, therefore, no longer located
1265 within the special flood hazard area. In order to qualify for this determination, the fill shall have
1266 been permitted and placed in accordance with this section.

1267
1268 *Light-Duty Truck* means as defined in 40 CFR 86.082-2, any motor vehicle rated at 8,500 pounds
1269 gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less
1270 and which has a basic vehicle frontal area of 45 square feet or less, which is:

- 1271
- 1272 (1) Designed primarily for purposes of transportation of property or is a derivation of such
1273 a vehicle;
 - 1274
 - 1275 (2) Designed primarily for transportation of persons and has a capacity of more than 12
1276 persons; or
 - 1277 (3) Available with special features enabling off-street or off-highway operation and use.
- 1278

1279 *Lowest Floor* means the lowest floor of the lowest enclosed area of a building or structure,
1280 including basement, but excluding any unfinished or flood-resistant enclosure, other than a
1281 basement, usable solely for vehicle parking, building access or limited storage provided that such
1282 enclosure is not built to render the structure in violation of the non-elevation requirements of the
1283 Florida Building Code or ASCE 24.

1284

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1285 *Manufactured Home* means a structure, transportable in one or more sections, which is eight feet
1286 or more in width and greater than 400 square feet, and which is built on a permanent, integral
1287 chassis and is designed for use with or without a permanent foundation when attached to the
1288 required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park
1289 trailer".

1290
1291 *Manufactured Home Park or Subdivision* means a parcel (or contiguous parcels) of land divided
1292 into two or more manufactured home lots for rent or sale.

1293
1294 *Market Value* means ~~the price at which a property will change hands between a willing buyer and~~
1295 ~~a willing seller, neither party being under compulsion to buy or sell and both having reasonable~~
1296 ~~knowledge of relevant facts. As used in this section, the term refers to the market the value of~~
1297 buildings and structures, excluding the land and other improvements on the parcel. Market value
1298 ~~may be established by a qualified independent appraiser, is the actual cash value (in-kind~~
1299 ~~replacement cost depreciated for age, wear and tear, neglect, and quality of construction)~~
1300 determined by a qualified independent appraiser, or tax assessment value adjusted to approximate
1301 market value by a factor provided by the Property Appraiser.

1302
1303 *New Construction* means for the purposes of this section and the flood resistant construction
1304 requirements of the Florida Building Code, structures for which the "start of construction"
1305 commenced on or after September 19, 1984 and includes any subsequent improvements to such
1306 structures.

1307
1308 ~~*New Manufactured Home Park or Subdivision* means a manufactured home park or subdivision~~
1309 ~~for which the construction of facilities for servicing the lots on which the manufactured homes are~~
1310 ~~to be affixed (including at a minimum, the installation of utilities, the construction of streets, and~~
1311 ~~either final site grading or the pouring of concrete pads) is completed on or after September 19,~~
1312 ~~1984.~~

1313
1314 *Park Trailer* means a transportable unit which has a body width not exceeding 14 feet and which
1315 is built on a single chassis and is designed to provide seasonal or temporary living quarters when
1316 connected to utilities necessary for operation of installed fixtures and appliances.

1317
1318 *Permanent Construction* means does not include land preparation (such as clearing, grading, or
1319 filling), the installation of streets or walkways, excavation for a basement, footings, piers, or
1320 foundations, the erection of temporary forms or the installation of accessory buildings such as
1321 garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial
1322 improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor
1323 or other structural part of a building, whether or not that alteration affects the external dimensions
1324 of the building.

1325
1326 *Recreational Vehicle* means a vehicle, including a park trailer, which is:
1327

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- 1328 (1) Built on a single chassis;
1329
1330 (2) 400 square feet or less when measured at the largest horizontal projection;
1331
1332 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
1333 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters
1334 for recreational, camping, travel, or seasonal use.
1335

1336 *Repetitive Loss* means flood-related damage sustained by a structure on two separate occasions
1337 during a ten-year period for which the cost of repairs at the time of each flood event, on the average,
1338 equals or exceeds 25 percent of the market value of the structure before the damage occurred.
1339

1340 *Special Flood Hazard Area* means an area in the floodplain subject to a one percent or greater
1341 chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A,
1342 AO, AI-A30, AE, A99, AH, VI-V30, VE or V.
1343

1344 *Start of Construction.* The date of issuance of permits for new construction and substantial
1345 improvements, provided the actual start of construction, repair, reconstruction, rehabilitation,
1346 addition, placement, or other improvement is within 180 days of the date of the issuance. The
1347 actual start of construction means either the first placement of permanent construction of a building
1348 (including a manufactured home) on a site, such as the pouring of slab or footings, the installation
1349 of piles, the construction of columns.
1350

1351 *Substantial Damage* means damage sustained by a building or structure whereby the cost of
1352 restoring the building or structure to its before-damaged condition would equal or exceed 50
1353 percent of the market value of the building or structure before the damage occurred. The term also
1354 includes buildings and structures that have experienced repetitive loss.
1355

1356 *Substantial Improvement* means any combination of repair, reconstruction, rehabilitation,
1357 alteration, addition, or other improvement of a building or structure, taking place during a five-
1358 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the
1359 building or structure before the improvement or repair is started. For each building or structure,
1360 the five-year period begins on the date of the first improvement or repair of the building or structure
1361 subsequent to November 18, 1992. If the structure has incurred "substantial damage," any repairs
1362 are considered substantial improvement regardless of the actual repair work performed. The term
1363 does not include either:
1364

- 1365 (1) Any project for improvement of a building required to correct existing health, sanitary,
1366 or safety code violations identified by the Building Official and that are the minimum
1367 necessary to assure safe living conditions.
1368
1369 (2) Any alteration of a historic structure provided the alteration will not preclude the
1370 structure's continued designation as a historic structure.

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1371
1372 *Variance* means a grant of relief from the requirements of this section, or the flood resistant
1373 construction requirements of the Florida Building Code, which permits construction in a manner
1374 that would not otherwise be permitted by this section or the Florida Building Code.

1375
1376 *Watercourse* means a river, creek, stream, channel, or other topographic feature in, on, through, or
1377 over which water flows at least periodically.

1378
1379 **Section 2. Repeal of Ordinance 2015-16.**
1380

1381 The Village Council hereby confirms that the adoption of the Land Development Code by
1382 Ordinance 2020-10, specifically Section 1-902 adopting the Florida Building Code as codified in
1383 Chapter 553, Florida Statutes, was intended to repeal earlier building code regulations adopted by
1384 Ordinance 2015-16, and that to eliminate any doubt declares that Ordinance 2015-16 is no longer
1385 in effect.

1386
1387 **Section 3. Severability.**
1388

1389 If any provision of this ordinance or its application to any person or circumstance is held
1390 invalid, the invalidity does not affect other provisions or applications of this ordinance which can
1391 be given effect without the invalid provision or application, and to this end the provisions of this
1392 ordinance are severable.

1393
1394 **Section 4. Conflicts.**
1395

1396 All ordinances, resolutions, official determinations or parts thereof previously adopted or
1397 entered by the Village or any of its officials and in conflict with this ordinance are hereby repealed
1398 to the extent inconsistent herewith.

1399
1400 **Section 5. Effective Date.**
1401

1402 This Ordinance shall take effect immediately upon adoption.

1403
1404 **PASSED** on first reading this 19th day of October, 2022.

1405
1406 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
1407 Florida this 2nd day of November, 2022.

1408
1409 Attest: **VILLAGE OF ESTERO, FLORIDA**

1410
1411
1412 By: _____ By: _____
1413 Carol Sacco, Village Clerk Katy Errington, Mayor

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Reviewed for legal sufficiency:

By: _____
Nancy E. Stroud, Esq.
Village Land Use Attorney

| Vote: | AYE | NAY |
|----------------------|-------|-------|
| Mayor Errington | _____ | _____ |
| Vice Mayor McLain | _____ | _____ |
| Councilmember Ribble | _____ | _____ |
| Councilmember Fiesel | _____ | _____ |
| Councilmember Boesch | _____ | _____ |
| Councilmember Ward | _____ | _____ |
| Councilmember Wilson | _____ | _____ |

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