

This document has been revised to reflect the Santa Rosa Island Authority Floodplain Management article of Chapter 4, Location and Use Regulations  
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## **PART III**

# **Escambia County Land Development Code**



### **DISCLAIMER:**

This is for general information on the land use regulations within the unincorporated areas of Escambia County. Please note that Escambia County regularly amends its land use regulations and that recent amendments may not yet be shown on this website. Accordingly, when buying, selling, or developing land in Escambia County, please come in to our office & speak with a Front Counter Planner for assistance on the most current regulations affecting your property.

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## Article 3 Santa Rosa Island Authority Floodplain Management

### Sec. 4-3.1 Floodplain management on Pensacola Beach under the control of the Santa Rosa Island Authority

(a) **GENERAL.** These regulations shall be known as the *Floodplain Management Ordinance* of the Santa Rosa Island Authority, hereinafter referred to as “this article.”

(b) **Scope.** These provisions shall apply to all development or redevelopment of property within the jurisdiction of the Santa Rosa Island Authority (SRIA), including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

### Sec. 4-3.2 General provisions.

(a) The purposes of this article and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development to:

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

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

- (c) Warning.** The degree of flood protection required by this article and the *Florida Building Code*, as amended by the SRIA, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This article does not imply that uses permitted will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring the SRIA to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this code.
- (d) Disclaimer of Liability.** The provisions of this article shall not create liability on the part of the Escambia County Board of County Commissioners or by any officer or employee thereof, or the Santa Rosa Island Authority or by any officer or employee thereof, for any flood damage that results from reliance on these provisions or any administrative decision lawfully made thereunder.

#### **4-3.3 APPLICABILITY.**

- (a) General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (b) Areas to which these regulations apply.** These regulations shall apply to all land within the jurisdiction of the Santa Rosa Island Authority.
- (c) Basis for establishing flood hazard data.** The Flood Insurance Study for Escambia County, Florida and Incorporated Areas dated September 29, 2006, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard data. Studies and maps that establish flood hazard data are on file at the SRIA Department of Environmental and Developmental Services.
- (d) Other laws.** The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.
- (e) Abrogation and greater restrictions.** The provisions of this article supersedes any ordinance in effect for management of development within the jurisdiction of the Santa Rosa Island Authority. However, it is not intended to repeal or abrogate any existing ordinances, including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between these regulations and any other regulation, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.

- (f) **Interpretation.** In the interpretation and application of the provisions of this article, all provisions shall be:
- (1) Considered as minimum requirements;
  - (2) Liberally construed in favor of the governing body; and
  - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

#### **4-3.4 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR.**

- (a) **Designation.** The Director of Developmental Services is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- (b) **General.** The Floodplain Administrator is authorized and directed to administer and enforce the floodplain management provisions of this article. The Floodplain Administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to Section 4-3.8 of this article. The Floodplain Administrator shall have the authority to approve all applications for development under the jurisdiction of the Santa Rosa Island Authority. Building permits and certificates of occupancy issued by Escambia County shall be consistent with the Floodplain Administrator's approvals and denials of approvals.
- (c) **Applications, approvals, and permits.** The Floodplain Administrator, in coordination with other pertinent offices of the SRIA and the County, shall:
- (1) Review applications for modification of any existing development for compliance with the requirements of this article;
  - (2) Provide available flood elevation and flood hazard information;
  - (3) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
  - (4) Review applications to determine whether proposed development will be reasonably safe from flooding;
  - (5) Issue floodplain development approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with the provisions of this article is demonstrated, or disapprove the same in the event of noncompliance; and
  - (6) Coordinate with and provide comments to the Escambia County Building Officials to assure that applications, plan reviews, County permits, and inspections for buildings and structures comply with the applicable provisions of this article.

**(d) Substantial improvement and substantial damage determinations.** For applications for approvals and building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Escambia County Building Officials, shall:

- (1)** Obtain the estimated building value from the Escambia County Property Appraiser to estimate the market value, or allow the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2)** Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3)** Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; for proposed work to improve, modify, or add to an existing building, the determination requires evaluation of previous permits as specified in the definition of “substantial improvement”; and
- (4)** Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this article is required.

**(e) Modifications of the strict application of the requirements of the *Florida Building Code*.** The Floodplain Administrator shall review requests submitted to the Escambia County Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 4-3.8 of this article.

**(f) Notices and orders.** The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

**(g) Inspections.** The Floodplain Administrator shall make the required inspections as specified in Section 4-3.7 of this article 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 shall inspect areas to determine if development is undertaken without issuance of an approval or County permit.

**(h) Other duties of the Floodplain Administrator.** The Floodplain Administrator shall have other duties, including but not limited to:

- (1)** Establish, in coordination with the Escambia County Building Official, procedures

for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 4-3.4(d) of this article;

- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support approval and 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 or flood hazard area boundaries, such submissions shall be made within 6 months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this article and the *Florida Building Code* to determine that such certifications and documentations are complete and correct;
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the Santa Rosa Island Authority are modified; and
- (6) Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (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."

- (i) **Floodplain management records.** Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of approvals and denial of approvals; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to the provisions of this article and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the SRIA Department of Environmental and Developmental Services.

#### **4-3.5 APPROVALS AND PERMITS.**

- (a) **Approvals and Permits required.** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from

the *Florida Building Code*, which is wholly within or partially within the jurisdictional limits of the SRIA shall first make application to the Floodplain Administrator for approval, and shall obtain the required approval(s) and County permit(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

**(b) Floodplain development permits or approvals.** Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development approval is required in addition to a building permit.

**(c) Buildings, structures and facilities exempt from the *Florida Building Code*.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this article.

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

**(d) Application for approval.** To obtain a floodplain development approval the applicant shall first file an application in writing on a form furnished by the SRIA

Department of Environmental and Developmental Services. The information provided shall:

- (1) Identify and describe the development to be covered by the approval.
  - (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
  - (3) Indicate the use and occupancy for which the proposed development is intended.
  - (4) Be accompanied by a site plan or construction documents as specified in Section 4-3.6 of this article.
  - (5) State the valuation of the proposed work.
  - (6) Be signed by the applicant or the applicant's authorized agent.
  - (7) Give such other data and information as required by the Floodplain Administrator.
  - (8) For projects that include enclosed areas under elevated buildings, include a signed nonconversion lease amendment as described in Section 4-3.5.
- (e) Nonconversion lease amendment.** Where an enclosed area below the design flood elevation exceeds four feet in height, measured from floor of the enclosure to the underside of the floor system above, the applicant shall sign a nonconversion lease amendment acknowledging that the conversion of the area below the lowest floor to a use or dimension contrary to the building's originally approved design is prohibited.
- (1) The nonconversion lease amendment shall authorize the Floodplain Administrator to conduct inspections of the enclosed area in accordance with the lease amendment's authorization to make future inspections of the leasehold upon reasonable notice to the Lessee.
  - (2) The applicant shall provide a copy that documents that the nonconversion lease amendment has been recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected property.
  - (3) A copy of the recorded nonconversion lease amendment shall be presented as a condition of issuance of the final certificate of occupancy.
- (f) Certificate of occupancy.** The Escambia County Building Official shall not issue a certificate of occupancy until:
- (1) The permit applicant has provided the Floodplain Administrator with a copy of the following, where applicable:
    - a. The building permit,
    - b. The "Final Construction" Elevation Certificate,
    - c. The as-built site survey, and
    - d. The recorded nonconversion lease amendment; and

(2) The Floodplain Administrator has notified the Escambia County Building Inspections Division that the project has been completed and is in compliance with the provisions of this article.

(g) **Validity of permit or approval.** The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of SRIA or Escambia County. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

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

(i) **Suspension or revocation.** The Floodplain Administrator is authorized to suspend or revoke a floodplain development approval if the approval or permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of the SRIA.

(j) **Other permits required.** Floodplain development approvals and permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

(1) The Northwest Florida Water Management District; section 373.036, Fla. Stat.

(2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, Fla. Stat. and Chapter 64E-6, F.A.C.

(3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, Fla. Stat.

(4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, Fla. Stat.

(5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(6) Federal permits and approvals.

#### 4-3.6 SITE PLANS AND CONSTRUCTION DOCUMENTS.

(a) **Information for development.** The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of Flood Insurance Rate Map zones, base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) 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.
- (3) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (4) Where 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.
- (5) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
- (6) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

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

**(b) Additional analyses and certifications.** For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas, the applicant shall submit an engineering analysis, signed and sealed by a Florida licensed engineer, that demonstrates the proposed alteration will not increase the potential for flood damage.

#### **4-3.7 INSPECTIONS.**

**(a) General.** Development for which a floodplain development permit or approval is required shall be subject to inspection.

**(b) Development other than buildings and structures.** The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

**(c) Buildings, structures and facilities exempt from the *Florida Building Code*.** The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

**(d) Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection.** Upon placement of the lowest floor, including basement,

and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor.

- (e) Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection.** As part of the final inspection, the owner or owners' authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor; such certifications shall be prepared as specified in Section 4-3.7(d) of this article.

#### **4-3.8 VARIANCES AND APPEALS.**

- (a) Appeals.** The SRIA Board shall hear appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. The SRIA Board shall make final decisions on appeals to the actions of SRIA staff. Any person aggrieved by the decision of the SRIA Board may appeal such decision to the Escambia County Board of County Commissioners.

- (b) Variances.** Pursuant to section 553.73(5), Fla. Stat., the SRIA Board shall hear requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code* and recommend their resolution to the Escambia County Board of Adjustment which shall make final decisions. Any person aggrieved by the decision of the Escambia County Board of Adjustment may appeal such decision to the Escambia County Board of County Commissioners. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

- (c) Limitations on authority to grant variances.** The SRIA Board and the Escambia County Board of Adjustment shall base their recommendations and decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 4-3.8 of this article, the conditions of issuance set forth in Section 4-3.9 of this article, and the comments and recommendations of the Floodplain Administrator and the Escambia County Building Official. The SRIA Board and the Escambia County Board of Adjustment have the right to recommend and subsequently to attach such conditions deemed necessary to further the purposes and objectives of this article.

- (d) Historic buildings.** A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building,

a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

**(e) Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article, provided the variance is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

**(f) Considerations for issuance of variances.** In reviewing requests for variances, the SRIA Board and the Escambia County Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this article, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

#### **4-3.9 CONDITIONS FOR ISSUANCE OF VARIANCES.**

Variances shall be issued only upon:

- (a)** Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;

- (b) Determination by the SRIA Board and the Escambia County Board of Adjustment that:
- (1) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - (2) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - (3) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (c) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (d) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

#### **4-3.10 VIOLATIONS.**

- (a) **Violations.** Any development that is not within the scope of the *Florida Building Code* but that is regulated by this article that is performed without the Administrator's approval or an issued permit, that is in conflict with an issued approval or permit, or that does not fully comply with the provisions of this article, shall be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.
- (b) **Authority.** For development that is not within the scope of the *Florida Building Code* but that is regulated by this article and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- (c) **Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that

person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

#### **4-3.11 DEFINITIONS**

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article , have the meanings shown in this section.

**(a) Terms defined in the *Florida Building Code*.** Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

**(b) Terms not defined.** Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

**Appeal.** A request for a review of the Floodplain Administrator’s interpretation of any provision of this article.

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

**Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

**Base flood elevation.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). For an area where no base flood elevation is shown on the FIRM, the base flood elevation shall be the highest base flood elevation specified on the FIRM adjacent to that area.

**Basement.** The portion of a building having its floor subgrade (below ground level) on all sides.

**Building Official.** The Building Official for Escambia County.

**Coastal construction control line.** The line established by the State of Florida pursuant to section 161.053, Fla. Stat., and recorded in the official records of Escambia County, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

**Coastal high hazard area.** The area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard

areas subject to high velocity wave action.” The entire area of the Santa Rosa Island Authority is considered a coastal high hazard area for the purposes of this ordinance and the *Florida Building Code*.

**Nonconversion Lease Amendment.** A form provided by the Floodplain Administrator to be signed by the owner and recorded in Official Records of the Clerk of Courts in a manner to appear in the chain of title, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations any enclosures below elevated buildings, and to authorize in accordance with the lease amendment, the Floodplain Administrator to conduct inspections of any enclosures upon reasonable notice to the Lessee.

**Design flood.** The flood associated with the greater of the following two areas:

- (3) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (4) Area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

**Design flood elevation.** The elevation of the “design flood,” including wave height, relative to the datum specified on the community’s legally designated flood hazard map.

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

**Existing building and existing structure.** Any buildings and structures for which the “start of construction” commenced before September 28, 1973.

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

**Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land from:

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

**Flood damage-resistant materials.** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

**Flood hazard area.** For the purposes of this ordinance and the *Florida Building Code*, all lands within the jurisdiction of the Santa Rosa Island Authority are considered to be a flood hazard area.

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

**Flood Insurance Study (FIS).** The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

**Floodplain Administrator.** The office or position designated and charged with the administration and enforcement of this ordinance.

**Floodplain development approval.** A written approval issued by the Floodplain Administrator which notifies the Escambia County Building Official that the requested development activity is determined to be compliant with this ordinance.

**Floodplain development permit.** An official document or certificate issued by the Escambia County Building Official, or other evidence of approval or concurrence, which authorizes performance of specific development activities and that are determined to be compliant with this ordinance.

**Florida Building Code.** The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

**Functionally dependent use.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

**Historic structure.** Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

**Letter of Map Change (LOMC).** An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Such amendments or revisions generally only affect the insurance aspects of the National Flood Insurance Program and do not alter the fact that the entire jurisdictional area of the Santa Rosa Island Authority is considered a coastal high hazard area and subject to this ordinance and the *Florida Building Code*. Letters of Map Change include:

**Letter of Map Amendment (LOMA).** An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

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

**Letter of Map Revision Based on Fill (LOMR-F).** A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the SRIA's floodplain management regulations.

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

**Light-duty truck.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (4) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (5) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (6) Available with special features enabling off-street or off-highway operation and use.

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

**Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer."

**Market value.** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of a building or structure, excluding the land and other improvements on the parcel. Market value is established as specified in Section 4-3.4(d).

**New construction.** For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after September 28, 1973 and includes any subsequent improvements to such structures.

**Nonconforming structure.** A building or structure legally constructed in accordance with the applicable building laws in effect at the time of construction that does not meet current building or flood hazard regulations. A structure can become "nonconforming" due to revisions to the building code or the flood hazard regulations or a revision to the Flood Insurance Rate Map that increases the base flood elevation.

**Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

**Recreational vehicle.** A vehicle, including a park trailer, which is:

- (5) Built on a single chassis;
- (6) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (7) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (8) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Sand dunes.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**Special flood hazard area.** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

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

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

**Substantial damage.** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.

**Substantial improvement.** Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 10-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the 10-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

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

**Variance.** A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this article or the *Florida Building Code*.

**Watercourse.** A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

#### **4-3.12 BUILDINGS AND STRUCTURES.**

(a) **Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*.** Pursuant to Section 4-3.5(c) of this article, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the

*Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 4-3.18 of this article.

**(b) Standards for buildings and structures within the jurisdiction of the SRIA.**

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code, Building* Section 3109 and Section 1612 or *Florida Building Code, Residential* Section R322, applicable to coastal high hazard areas.
- (2) Nonconforming buildings and structures shall not be extended, expanded, or enlarged unless the entire nonconforming structure is brought into conformance with the flood hazard area requirements of the *Florida Building Code* and this article.
- (3) Minor structures and non-habitable major structures as defined in section 161.54, Fla. Stat. shall be designed and constructed to comply with the intent and applicable provisions of this article and ASCE 24.

**4-3.13 SUBDIVISIONS.**

**(a) Minimum requirements.** Subdivision proposals shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards and adequate drainage paths shall be provided to guide floodwaters around and away from existing and proposed structures.

**(b) Subdivision plats.** The following shall be required for each subdivision plat:

- (1) Delineation of flood zones and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Compliance with the site improvement and utilities requirements of Section 4-3.14 of this article.

**4-3.14 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS.**

**(a) Minimum requirements.** All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards and adequate drainage paths shall be provided to guide floodwaters around and away from existing and proposed structures.

**(b) Sanitary sewage facilities.** All new and replacement sanitary sewage facilities (including all pumping stations and collector systems) shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

**(c) Water supply facilities.** All new and replacement water supply facilities shall be designed in accordance with ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

**(d) Limitations on placement of fill.** Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. Fill shall not be permitted to support buildings and structures.

**(e) Limitations on site improvements.** Alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 4-3.6(b) of this article demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 4-3.18(e) of this article.

#### **4-3.15 MANUFACTURED HOMES.**

**Manufactured home prohibition.** Manufactured homes are not permitted within the jurisdiction of the SRIA.

#### **4-3.16 RECREATIONAL VEHICLES AND PARK TRAILERS.**

**(a) Temporary placement.** Recreational vehicles and park trailers placed temporarily shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) 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.

**(b) Permanent placement prohibited.** Permanent placement of recreational vehicles and park trailers is not permitted within the jurisdiction of the SRIA.

#### **4-3.17 TANKS.**

**(a) Underground tanks.** Underground tanks 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.

**(b) Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation requirements of Article 2, Section 4-2.4 of the LDC shall not be permitted.

**(c) Above-ground tanks, elevated.** Above-ground tanks shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements for coastal high hazard areas.

**(d) Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

**(1)** At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

**(2)** Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

#### **4-3.18 OTHER DEVELOPMENT.**

**(a) General requirements for other development.** All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the *Florida Building Code*, shall:

**(1)** Be located and constructed to minimize flood damage;

**(2)** Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

**(3)** Be constructed of flood damage-resistant materials; and

**(4)** Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

**(b) Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses.** Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four (4) inches.

**(c) Decks and patios.** In addition to the requirements of the *Florida Building Code*, decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.

**(d) Other development.** Development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals

demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures; and
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters.

**(e) Nonstructural fill.** In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run-up and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

(Ord. No. 2015-43, § 1, 10-8-2015)