



1       **WHEREAS**, the county council previously adopted regulations requiring accumulation of  
2 costs of improvements and repairs of buildings, based on issued building permits, over a 5-year  
3 period and limiting partitioning of and access to enclosures below elevated buildings for buildings  
4 and structures in flood hazard areas for the purpose of participating in the National Flood Insurance  
5 Program’s Community Rating System; and, pursuant to section 553.73(5), F.S., is formatting that  
6 requirement to coordinate with the Florida Building Code; and

7       **WHEREAS**, the county council determines that, based on local conditions and  
8 geographical data for Volusia County, there is a need to adopt local technical amendments to the  
9 *Florida Building Code* to strengthen the *Florida Building Code* beyond the needs and regional  
10 variations currently addressed, the amendments are no more stringent than necessary, do not  
11 discriminate against materials, products or construction techniques of demonstrated capabilities,  
12 and are in compliance with section 553.73(4), Florida Statutes; and

13       **WHEREAS**, the County Council determines that it is in the public interest to adopt the  
14 proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

15  
16       BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA,  
17 AS FOLLOWS:

18       **(Words in underline type are additions; words bolded and strikethrough in SECTION II**  
19 **of this ordinance are to be published as shown.)**

20       **SECTION I:** Chapter 72 Land Planning, Article III Land Development Regulations,  
21 Division 7 Flood Hazard Management of the Volusia County Code of Ordinances is hereby  
22 repealed and replaced as follows:

1 DIVISION 7. – FLOOD HAZARD MANAGEMENT

2 Sec. 72-741. General.

3 (a) Title. This division shall be known as the Floodplain Management Ordinance.

4 (b) Scope. This division shall apply to all development in unincorporated Volusia County that  
5 lies wholly within or partially within any flood hazard area, including but not limited to the  
6 subdivision of land; filling, grading, and other site improvements and utility installations;  
7 construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or  
8 demolition of buildings, structures, and facilities that are exempt from the Florida Building Code;  
9 placement, installation, or replacement of manufactured homes and manufactured buildings;  
10 installation or replacement of tanks; placement of recreational vehicles; installation of swimming  
11 pools; and any other development.

12 (c) Intent. The purpose of this division, and the flood load and flood resistant construction  
13 requirements of the Florida Building Code adopted in Chapter 22 Buildings and Building  
14 Regulations, is to establish minimum requirements to safeguard public health, safety, and general  
15 welfare and to minimize public and private losses due to flooding through regulation of  
16 development in flood hazard areas to:

- 17 (1) Minimize unnecessary disruption of commerce, access and public service during times of  
18 flooding;
- 19 (2) Require the use of appropriate construction practices in order to prevent or minimize future  
20 flood damage;
- 21 (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage  
22 of equipment or materials, and other development which may increase flood damage or  
23 erosion potential;

1       (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the  
2       impact of development on the natural and beneficial functions of the floodplain;

3       (5) Minimize damage to public and private facilities and utilities;

4       (6) Help maintain a stable tax base by providing for the sound use and development of flood  
5       hazard areas;

6       (7) Minimize the need for future expenditure of public funds for flood control projects and  
7       response to and recovery from flood events; and

8       (8) Meet the requirements of the National Flood Insurance Program for community  
9       participation as set forth in Title 44 Code of Federal Regulations, Section 59.22.

10       (d) Coordination with the Florida Building Code. This division is intended to be administered  
11       and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the  
12       edition of the standard that is referenced by the Florida Building Code.

13       (e) Warning. The degree of flood protection required by this division and the *Florida Building*  
14       Code is considered the minimum reasonable for regulatory purposes and is based on scientific and  
15       engineering considerations. Larger floods can and will occur. Flood heights may be increased by  
16       man-made or natural causes. This division does not imply that land outside of mapped special flood  
17       hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood  
18       damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and  
19       shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations,  
20       Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this  
21       division to be revised to remain eligible for participation in the National Flood Insurance Program.  
22       No guaranty of vested use, existing use, or future use is implied or expressed by compliance with  
23       this division.

1 (f) Disclaimer of Liability. This division shall not create liability on the part of the County of  
2 Volusia County or by any officer or employee thereof for any flood damage that results from  
3 reliance on this division or any administrative decision lawfully made thereunder.

4 **Sec. 72-742. Applicability.**

5 (a) General. Where there is a conflict between a general requirement and a specific  
6 requirement, the specific requirement shall be applicable.

7 (b) Areas to which this division applies. This division shall apply to all flood hazard areas  
8 within unincorporated Volusia County, as established in section 72-742(c).

9 (c) Basis for establishing flood hazard areas. The Flood Insurance Study for Volusia County,  
10 Florida and Incorporated Areas dated September 29, 2017, and all subsequent amendments and  
11 revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent  
12 amendments and revisions to such maps, are adopted by reference as a part of this division and  
13 shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that  
14 establish flood hazard areas are on file at the Growth and Resource Management Department, 123  
15 W. Indiana Ave., DeLand, FL 32720.

16 (d) Submission of additional data to establish flood hazard areas. The Floodplain  
17 Administrator may require submission of additional data to establish flood hazard areas and base  
18 flood elevations pursuant to section 72-746. Where field surveyed topography prepared by a  
19 Florida licensed professional surveyor or digital topography indicates that ground elevations:

- 20 (1) Are below the closest applicable base flood elevation, even in areas not delineated as a  
21 special flood hazard area on a FIRM, the area shall be considered as flood hazard area and  
22 subject to the requirements of this division and, as applicable, the requirements of the  
23 Florida Building Code.

1       (2) Are above the closest applicable base flood elevation, the area shall be regulated as special  
2       flood hazard area unless the applicant obtains a Letter of Map Change that removes the  
3       area from the special flood hazard area.

4       (e) Other laws. The provisions of this division shall not be deemed to nullify any provisions  
5       of local, state or federal law.

6       (f) Abrogation and greater restrictions. This division supersedes any ordinance in effect for  
7       management of development in flood hazard areas. It is not intended to repeal or abrogate any  
8       existing ordinances including but not limited to land development regulations, zoning ordinances,  
9       stormwater management regulations, or the Florida Building Code. In the event of a conflict  
10       between this division and any other ordinance, the more restrictive shall govern. This division shall  
11       not impair any deed restriction, covenant or easement, but any land that is subject to such interests  
12       shall also be governed by this division.

13       (g) Interpretation. In the interpretation and application of this division, all provisions shall  
14       be:

15       (1) Considered as minimum requirements;

16       (2) Liberal construed in favor of the governing body; and

17       (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

18       **Sec. 72-743. Definitions.**

19       Unless otherwise expressly stated, the following words and terms shall, for the purposes of this  
20       division, have the meanings shown in this section. Where terms are not defined in this division  
21       and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them  
22       in the Florida Building Code.

23       Accessory structure. A structure that is located on the same parcel of property as the principal

1 structure and the use of which is incidental to the use of the principal structure. Accessory  
2 structures typically constitute a minimal investment, are not to be used for human habitation,  
3 and are designed to have minimal flood damage potential. Examples of accessory structures are  
4 detached garages 400 square feet or less, carports, storage sheds on permanent foundations 400  
5 square feet or less, storage sheds on skids, pole barns, and hay sheds.

6 *Alteration of a watercourse.* A dam, impoundment, channel relocation, change in channel  
7 alignment, channelization, or change in cross-sectional area of the channel or the channel capacity,  
8 or any other form of modification which may alter, impede, retard or change the direction and/or  
9 velocity of the riverine flow of water during conditions of the base flood.

10 *Appeal.* A request for a review of the Floodplain Administrator's interpretation of any  
11 provision of this division.

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

15 *Base flood.* A flood having a 1-percent chance of being equaled or exceeded in any given year.  
16 [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year  
17 flood" or the "1-percent-annual chance flood."

18 *Base flood elevation.* The elevation of the base flood, including wave height, relative to the  
19 National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other  
20 datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

21 *Basement.* The portion of a building having its floor subgrade (below ground level) on all  
22 sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

23 *Coastal construction control line.* The line established by the State of Florida pursuant to

1 section 161.053, F.S., and recorded in the official records of the community, which defines that  
2 portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge,  
3 storm waves or other predictable weather conditions.

4 Coastal high hazard area. A special flood hazard area extending from offshore to the inland  
5 limit of a primary frontal dune along an open coast and any other area subject to high velocity  
6 wave action from storms or seismic sources. Coastal high hazard areas are also referred to as “high  
7 hazard areas subject to high velocity wave action” or “V Zones” and are designated on Flood  
8 Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

9 Cost. For the purpose of making substantial improvement and substantial damage  
10 determinations, cost means the complete costs to construct proposed improvements and the  
11 complete costs to repair damage to pre-damage condition. Complete costs include the cost of all  
12 materials, labor, and other items necessary to perform the proposed work. The cost of labor  
13 includes estimates of owner and volunteer labor using market value or going rate for labor, and  
14 the cost of materials includes estimates of donated or discounted materials based on market value  
15 of the materials. For guidance on costs that must be included and costs that may be excluded, see  
16 FEMA P-758, Substantial Improvement and Substantial Damage Desk Reference.

17 Design flood. The flood associated with the greater of the following two areas: [Also defined  
18 in FBC, B, Section 202.]

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

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

1 as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the  
2 building’s perimeter plus the depth number (in feet) specified on the flood hazard map. In areas  
3 designated as Zone AO where the depth number is not specified on the map, the depth number  
4 shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

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

9 *Encroachment.* The placement of fill, excavation, buildings, permanent structures or other  
10 development into a flood hazard area which may impede or alter the flow capacity of riverine flood  
11 hazard areas.

12 *Existing building and existing structure.* Any buildings and structures for which the “start of  
13 construction” commenced before November 23, 1973. [Also defined in FBC, B, Section 202.]

14 *Existing manufactured home park or subdivision.* A manufactured home park or subdivision  
15 for which the construction of facilities for servicing the lots on which the manufactured homes are  
16 to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and  
17 either final site grading or the pouring of concrete pads) is completed before November 23, 1973.

18 *Expansion to an existing manufactured home park or subdivision.* The preparation of  
19 additional sites by the construction of facilities for servicing the lots on which the manufactured  
20 homes are to be affixed (including the installation of utilities, the construction of streets, and either  
21 final site grading or the pouring of concrete pads).

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

1 Flood or flooding. A general and temporary condition of partial or complete inundation of  
2 normally dry land from: [Also defined in FBC, B, Section 202.]

3 (1) The overflow of inland or tidal waters.

4 (2) The unusual and rapid accumulation or runoff of surface waters from any source.

5 Flood damage-resistant materials. Any construction material capable of withstanding direct  
6 and prolonged contact with floodwaters without sustaining any damage that requires more than  
7 cosmetic repair. [Also defined in FBC, B, Section 202.]

8 Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section  
9 202.]

10 (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any  
11 year.

12 (2) The area designated as a flood hazard area on the community's flood hazard map, or  
13 otherwise legally designated.

14 Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal  
15 Emergency Management Agency has delineated both special flood hazard areas and the risk  
16 premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

17 Flood Insurance Study (FIS). The official report provided by the Federal Emergency  
18 Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and  
19 Floodway Map (if applicable), the water surface elevations of the base flood, and supporting  
20 technical data. [Also defined in FBC, B, Section 202.]

21 Floodplain Administrator. The office or position designated and charged with the  
22 administration and enforcement of this division.

23 Floodway. The channel of a river or other riverine watercourse and the adjacent land areas

1 that must be reserved in order to discharge the base flood without cumulatively increasing the  
2 water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 202.]

3 *Floodway encroachment analysis.* An engineering analysis of the impact that a proposed  
4 encroachment into a floodway is expected to have on the floodway boundaries and base flood  
5 elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard  
6 engineering methods and models.

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

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

15 *Hardship.* As related to variances from this division, means the exceptional hardship  
16 associated with the land that would result from a failure to grant the requested variance and must  
17 be exceptional, unusual, and peculiar to the property involved. Mere economic or financial  
18 hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps,  
19 personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as  
20 an exceptional hardship, even if the alternative is more expensive, or requires the property owner  
21 to build elsewhere or put the parcel to a different use than originally intended.

22 *Highest adjacent grade.* The highest natural elevation of the ground surface prior to  
23 construction next to the proposed walls or foundation of a structure.

1 Historic structure. Any structure that is determined eligible for the exception to the flood  
2 hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic  
3 Buildings.

4 Letter of Map Change (LOMC). An official determination issued by FEMA that amends or  
5 revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change  
6 include:

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

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

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

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

1 FEMA to revise the effective FIRM.

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

5 (1) Designed primarily for purposes of transportation of property or is a derivation of such a  
6 vehicle, or

7 (2) Designed primarily for transportation of persons and has a capacity of more than 12  
8 persons; or

9 (3) Available with special features enabling off-street or off-highway operation and use.

10 Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including  
11 basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable  
12 solely for vehicle parking, building access or limited storage provided that such enclosure is not  
13 built so as to render the structure in violation of the non-elevation requirements of the Florida  
14 Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

15 Mangrove stand. An assemblage of mangrove trees which is mostly low trees noted for a  
16 copious development of interlacing adventitious roots above the ground and which contain one (1)  
17 or more of the following species: black mangrove (Avicennia nitida); red mangrove (Rhizophora  
18 mangle); white mangrove (Languncularia racemosa); and buttonwood (Conocarpus erecta).

19 Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet  
20 or more in width and greater than four hundred (400) square feet, and which is built on a  
21 permanent, integral chassis and is designed for use with or without a permanent foundation when  
22 attached to the required utilities. The term "manufactured home" does not include a "recreational  
23 vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

1        Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into  
2        two or more manufactured home lots for rent or sale.

3        Market value. The price at which a property will change hands between a willing buyer and a  
4        willing seller, neither party being under compulsion to buy or sell and both having reasonable  
5        knowledge of relevant facts. As used in this division, the term refers to the market value of  
6        buildings and structures, excluding the land and other improvements on the parcel. Market value  
7        may be established by a qualified independent appraiser (other than a limited or curbside  
8        appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated  
9        for age and quality of construction), or tax assessment value adjusted to approximate market value  
10       by a factor provided by the Property Appraiser.

11       New construction. For the purposes of administration of this division and the flood resistant  
12       construction requirements of the *Florida Building Code*, structures for which the “start of  
13       construction” commenced on or after November 23, 1973 and includes any subsequent  
14       improvements to such structures.

15       New manufactured home park or subdivision. A manufactured home park or subdivision for  
16       which the construction of facilities for servicing the lots on which the manufactured homes are to  
17       be affixed (including at a minimum, the installation of utilities, the construction of streets, and  
18       either final site grading or the pouring of concrete pads) is completed on or after November 23,  
19       1973.

20       Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and  
21       which is built on a single chassis and is designed to provide seasonal or temporary living quarters  
22       when connected to utilities necessary for operation of installed fixtures and appliances. [Defined  
23       in section 320.01, F.S.]

1 Recreational vehicle. A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

2 (1) Built on a single chassis;

3 (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;

4 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and

5 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters  
6 for recreational, camping, travel, or seasonal use.

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

9 Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of  
10 flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO,  
11 A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

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

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

1 building. [Also defined in FBC, B Section 202.]

2 Substantial damage. Damage of any origin sustained by a building or structure whereby the  
3 cost of restoring the building or structure to its before-damaged condition would equal or exceed  
4 50 percent of the market value of the building or structure before the damage occurred. [Also  
5 defined in FBC, B Section 202.]

6 Substantial improvement. Any combination of repair, reconstruction, rehabilitation, alteration,  
7 addition, or other improvement of a building or structure taking place during a five (5) year period,  
8 the cumulative cost of which equals or exceeds 50 percent of the market value of the building or  
9 structure before the improvement or repair is started. The period of accumulation begins when the  
10 first improvement or repair is permitted. If the structure has incurred "substantial damage," any  
11 repairs are considered substantial improvement regardless of the actual repair work performed.  
12 The term does not, however, include either: [Also defined in FBC, B, Section 202.]

13 (1) Any project for improvement of a building required to correct existing health, sanitary, or  
14 safety code violations identified by the building official and that are the minimum  
15 necessary to assure safe living conditions.

16 (2) Any alteration of a historic structure provided the alteration will not preclude the structure's  
17 continued designation as a historic structure.

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

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

1 **Sec. 72-744. Duties and Powers of the Floodplain Administrator**

2 (a) Designation. The Land Development Manager is designated as the Floodplain  
3 Administrator. The Floodplain Administrator may delegate performance of certain duties as  
4 needed.

5 (b) General. The Floodplain Administrator is authorized and directed to administer and enforce  
6 the provisions of this division. The Floodplain Administrator shall have the authority to render  
7 interpretations of this division consistent with the intent and purpose of this division and may  
8 establish policies and procedures in order to clarify the application of its provisions. Such  
9 interpretations, policies, and procedures shall not have the effect of waiving requirements  
10 specifically provided in this division without the granting of a variance pursuant to section 72-748  
11 of this division.

12 (c) Applications and permits. The Floodplain Administrator shall:

- 13 (1) Review applications and plans to determine whether proposed new development will be  
14 located in flood hazard areas;
- 15 (2) Review applications for modification of any existing development in flood hazard areas  
16 for compliance with the requirements of this division;
- 17 (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine  
18 the exact location of boundaries; a person contesting the determination shall have the  
19 opportunity to appeal the interpretation as set forth in this division;
- 20 (4) Provide available flood elevation and flood hazard information;
- 21 (5) Determine whether additional flood hazard data shall be obtained from other sources or  
22 shall be developed by an applicant;

1 (6) Review applications to determine whether proposed development will be reasonably safe  
2 from flooding;

3 (7) Issue development orders or approvals for development other than buildings and structures  
4 that are subject to the *Florida Building Code*, including buildings, structures and facilities  
5 exempt from the *Florida Building Code*, when compliance with this division is  
6 demonstrated, or disapprove the same in the event of noncompliance; and

7 (8) Coordinate with and provide comments to the Building Official to assure that applications,  
8 plan reviews, and inspections for buildings and structures in flood hazard areas comply  
9 with the applicable provisions of this division.

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

16 (1) Estimate the market value, or require the applicant to obtain an appraisal of the market  
17 value prepared by a qualified independent appraiser, of the building or structure before the  
18 start of construction of the proposed work; in the case of repair, the market value of the  
19 building or structure shall be the market value before the damage occurred and before any  
20 repairs are made;

21 (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its  
22 pre-damaged condition, or the combined costs of improvements and repairs, if applicable,  
23 to the market value of the building or structure;

1 (3) Determine and document whether the proposed work constitutes substantial improvement  
2 or repair of substantial damage; the determination requires evaluation of previous permits  
3 issued for improvements and repairs as specified in the definition of “substantial  
4 improvement”; and

5 (4) Notify the applicant if it is determined that the work constitutes substantial improvement  
6 or repair of substantial damage and that compliance with the flood resistant construction  
7 requirements of the *Florida Building Code* and this division is required.

8 (e) Modifications of the strict application of the requirements of the *Florida Building Code*.

9 The Floodplain Administrator shall review requests submitted to the Building Official that seek  
10 approval to modify the strict application of the flood load and flood resistant construction  
11 requirements of the *Florida Building Code* to determine whether such requests require the granting  
12 of a variance pursuant to section 72-748 of this division.

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

15 (g) Inspections. The Floodplain Administrator shall make the required inspections as specified  
16 in section 72-747 for development that is not subject to the *Florida Building Code*, including  
17 buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain  
18 Administrator shall inspect flood hazard areas to determine if development is undertaken without  
19 issuance of a permit.

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

- 1       (1) Establish, in coordination with the Building Official, procedures for administering and  
2       documenting determinations of substantial improvement and substantial damage made  
3       pursuant to section 72-744(d) of this division;
- 4       (2) Require that applicants proposing alteration of a watercourse notify adjacent communities  
5       and the Florida Division of Emergency Management, State Floodplain Management  
6       Office, and submit copies of such notifications to the Federal Emergency Management  
7       Agency (FEMA);
- 8       (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support  
9       permit applications to submit to FEMA the data and information necessary to maintain the  
10      Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood  
11      hazard area boundaries, or floodway designations; submission of such analyses to support  
12      permit applications shall be made within 6 months of the data becoming available;
- 13      (4) Review required design certifications and documentation of elevations specified by this  
14      division and the Florida Building Code to determine that such certifications and  
15      documentations are complete; incomplete certifications shall be returned to the permit  
16      holder for correction of identified deficiencies;
- 17      (5) Notify the Federal Emergency Management Agency when the unincorporated boundaries  
18      of Volusia County are modified; and
- 19      (6) Advise applicants for new buildings and structures, including substantial improvements,  
20      which are located in any unit of the Coastal Barrier Resources System established by the  
21      Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act  
22      of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction;

1 areas subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal  
2 Barrier Resource System Areas” and “Otherwise Protected Areas.”

3 (i) Floodplain management records. Regardless of any limitation on the period required for  
4 retention of public records, the Floodplain Administrator shall maintain and permanently keep and  
5 make available for public inspection all records that are necessary for the administration of this  
6 division and the flood resistant construction requirements of the *Florida Building Code*, including  
7 Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of  
8 permits; determinations of whether proposed work constitutes substantial improvement or repair  
9 of substantial damage; required design certifications and documentation of elevations specified by  
10 the *Florida Building Code* and this division; notifications to adjacent communities, FEMA, and  
11 the state related to alterations of watercourses; assurances that the flood carrying capacity of altered  
12 watercourses will be maintained; documentation related to appeals and variances, including  
13 justification for issuance or denial; and records of enforcement actions taken pursuant to this  
14 division and the flood resistant construction requirements of the *Florida Building Code*. These  
15 records shall be available for public inspection at 123 W. Indiana Ave., DeLand, FL 32720.

16 **Sec. 72-745. Permits.**

17 (a) Permits required. Any owner or owner’s authorized agent (hereinafter “applicant”) who  
18 intends to undertake any development activity within the scope of this division, including  
19 buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within  
20 or partially within any flood hazard area shall first make application to the Floodplain Administrator,  
21 and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No  
22 such permit or approval shall be issued until compliance with the requirements of this division and all  
23 other applicable codes and regulations has been satisfied.

1       (b) Development orders or approvals. Development orders or approvals shall be issued pursuant  
2 to this division for any development activities not subject to the requirements of the *Florida Building*  
3 *Code*, including buildings, structures and facilities exempt from the *Florida Building Code*.  
4 Depending on the nature and extent of proposed development that includes a building or structure, the  
5 Floodplain Administrator may determine that a development order is required in addition to a building  
6 permit.

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

12       (1) Railroads and ancillary facilities associated with the railroad.

13       (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.

14       (3) Temporary buildings or sheds used exclusively for construction purposes.

15       (4) Mobile or modular structures used as temporary offices.

16       (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which  
17 are directly involved in the generation, transmission, or distribution of electricity.

18       (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe  
19 of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut  
20 that has a thatched roof of palm or palmetto or other traditional materials, and that does not  
21 incorporate any electrical, plumbing, or other non-wood features.

1       (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and  
2       assembled on site or preassembled and delivered on site and have walls, roofs, and a floor  
3       constructed of granite, marble, or reinforced concrete.

4       (8) Temporary housing provided by the Department of Corrections to any prisoner in the state  
5       correctional system.

6       (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida*  
7       *Building Code* if such structures are located in flood hazard areas established on Flood  
8       Insurance Rate Maps

9       (d) Application for a permit or approval. To obtain a development order the applicant shall  
10      first file an application in writing on a form furnished by the community. The information provided  
11      shall:

12      (1) Identify and describe the development to be covered by the permit or approval.

13      (2) Describe the land on which the proposed development is to be conducted by legal  
14      description, street address or similar description that will readily identify and definitively  
15      locate the site.

16      (3) Indicate the use and occupancy for which the proposed development is intended.

17      (4) Be accompanied by a site plan or construction documents as specified in section 72-746 of  
18      this division.

19      (5) State the valuation of the proposed work.

20      (6) Be signed by the applicant or the applicant's authorized agent.

21      (7) Give such other data and information as required by the Floodplain Administrator.

22      (e) Validity of permit or approval. The issuance of a development order pursuant to this

1 division shall not be construed to be a permit for, or approval of, any violation of this division, the  
2 Florida Building Codes, or any other ordinance of this community. The issuance of permits based  
3 on submitted applications, construction documents, and information shall not prevent the  
4 Floodplain Administrator from requiring the correction of errors and omissions.

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

9 (g) Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke  
10 a development order if the permit was issued in error, on the basis of incorrect, inaccurate or  
11 incomplete information, or in violation of this division or any other ordinance, regulation or  
12 requirement of this community.

13 (h) Other permits required. Development orders and building permits shall include a condition  
14 that all other applicable state or federal permits be obtained before commencement of the permitted  
15 development, including but not limited to the following:

- 16 (1) The St. Johns River Water Management District; section 373.036, F.S.
- 17 (2) Florida Department of Health for onsite sewage treatment and disposal systems; section  
18 381.0065, F.S. and Chapter 64E-6, F.A.C.
- 19 (3) Florida Department of Environmental Protection for construction, reconstruction, changes,  
20 or physical activities for shore protection or other activities seaward of the coastal  
21 construction control line; section 161.141, F.S.

1 (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal  
2 Permit; section 161.055, F.S.

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

6 (6) Federal permits and approvals.

7 **Sec. 72-746. Site Plans and Construction Documents.**

8 (a) Information for development in flood hazard areas. The site plan or construction documents  
9 for any development subject to the requirements of this division shall be drawn to scale and shall  
10 include, as applicable to the proposed development:

11 (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood  
12 elevation(s), and ground elevations if necessary for review of the proposed development.

13 (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood  
14 Insurance Study, they shall be established in accordance with section 72-746(b) (2) or (3)  
15 of this division.

16 (3) Where the parcel on which the proposed development will take place will have more than  
17 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM  
18 or in the Flood Insurance Study, such elevations shall be established in accordance with  
19 section 72-746(b)(1) of this division.

20 (4) Location of the proposed activity and proposed structures, and locations of existing  
21 buildings and structures; in coastal high hazard areas, new buildings shall be located  
22 landward of the reach of mean high tide.

1       (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

2       (6) Where the placement of fill is proposed, the amount, type, and source of fill material;  
3       compaction specifications; a description of the intended purpose of the fill areas; and  
4       evidence that the proposed fill areas are the minimum necessary to achieve the intended  
5       purpose.

6       (7) Delineation of the Coastal Construction Control Line or notation that the site is seaward of  
7       the coastal construction control line, if applicable.

8       (8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such  
9       alteration is approved by the Florida Department of Environmental Protection.

10      (9) Existing and proposed alignment of any proposed alteration of a watercourse.

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

16      *(b) Information in flood hazard areas without base flood elevations (approximate Zone A).*

17      Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been  
18      provided, the Floodplain Administrator shall:

19      (1) Require the applicant to include base flood elevation data prepared in accordance with  
20      currently accepted engineering practices.

21      (2) Obtain, review, and provide to applicants base flood elevation and floodway data available  
22      from a federal or state agency or other source or require the applicant to obtain and use

1 base flood elevation and floodway data available from a federal or state agency or other  
2 source.

3 (3) Where base flood elevation and floodway data are not available from another source,  
4 where the available data are deemed by the Floodplain Administrator to not reasonably  
5 reflect flooding conditions, or where the available data are known to be scientifically or  
6 technically incorrect or otherwise inadequate, require the applicant to include base flood  
7 elevation data prepared in accordance with currently accepted engineering practices.

8 (4) Where the base flood elevation data are to be used to support a Letter of Map Change from  
9 FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed  
10 engineer in a format required by FEMA, and that it shall be the responsibility of the  
11 applicant to satisfy the submittal requirements and pay the processing fees.

12 (c) Additional analyses and certifications. As applicable to the location and nature of the  
13 proposed development activity, and in addition to the requirements of this section, the applicant  
14 shall have the following analyses signed and sealed by a Florida licensed engineer for submission  
15 with the site plan and construction documents:

16 (1) For development activities proposed to be located in a regulatory floodway, a floodway  
17 encroachment analysis that demonstrates that the encroachment of the proposed  
18 development will not cause any increase in base flood elevations; where the applicant  
19 proposes to undertake development activities that do increase base flood elevations, the  
20 applicant shall submit such analysis to FEMA as specified in section 72-746(d) of this  
21 division and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with  
22 the site plan and construction documents.

23 (2) For development activities proposed to be located in a riverine flood hazard area for which

1 base flood elevations are included in the Flood Insurance Study or on the FIRM and  
2 floodways have not been designated, hydrologic and hydraulic analyses that demonstrate  
3 that the cumulative effect of the proposed development, when combined with all other  
4 existing and anticipated flood hazard area encroachments, will not increase the base flood  
5 elevation more than one (1) foot at any point within the community. This requirement does  
6 not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in  
7 flood hazard areas identified as Zone AO or Zone AH.

8 (3) For alteration of a watercourse, an engineering analysis prepared in accordance with  
9 standard engineering practices which demonstrates that the flood-carrying capacity of the  
10 altered or relocated portion of the watercourse will not be decreased, and certification that  
11 the altered watercourse shall be maintained in a manner which preserves the channel's  
12 flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in  
13 section 72-746(d) of this division.

14 (4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard  
15 areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will  
16 not increase the potential for flood damage.

17 (d) Submission of additional data. When additional hydrologic, hydraulic or other engineering  
18 data, studies, and additional analyses are submitted to support an application, the applicant has the  
19 right to seek a Letter of Map Change from FEMA to change the base flood elevations, change  
20 floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit  
21 such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed  
22 engineer in a format required by FEMA. Submittal requirements and processing fees shall be the  
23 responsibility of the applicant.

1 **Sec. 72-747. Inspections.**

2 (a) General. Development for which a development order is required shall be subject to  
3 inspection.

4 (b) Development other than buildings and structures. The Floodplain Administrator shall  
5 inspect all development to determine compliance with the requirements of this division and the  
6 conditions of issued development orders or approvals.

7 (c) Buildings, structures and facilities exempt from the Florida Building Code. The Floodplain  
8 Administrator shall inspect buildings, structures and facilities exempt from the Florida Building  
9 Code to determine compliance with the requirements of this division and the conditions of issued  
10 development orders or approvals.

11 (d) Buildings, structures and facilities exempt from the Florida Building Code, lowest floor  
12 inspection. Upon placement of the lowest floor, including basement, and prior to further vertical  
13 construction, the owner of a building, structure or facility exempt from the Florida Building Code,  
14 or the owner's authorized agent, shall submit to the Floodplain Administrator:

15 (1) If a design flood elevation was used to determine the required elevation of the lowest floor,  
16 the certification of elevation of the lowest floor prepared and sealed by a Florida licensed  
17 professional surveyor; or

18 (2) If the elevation used to determine the required elevation of the lowest floor was determined  
19 in accordance with section 72-746(b)(3).b of this division, the documentation of height of  
20 the lowest floor above highest adjacent grade, prepared by the owner or the owner's  
21 authorized agent.

22 (e) Buildings, structures and facilities exempt from the Florida Building Code, final  
23 inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to

1 the Floodplain Administrator a final certification of elevation of the lowest floor or final  
2 documentation of the height of the lowest floor above the highest adjacent grade; such  
3 certifications and documentations shall be prepared as specified in section 72-747(d).

4 (f) *Manufactured homes.* The Floodplain Administrator shall inspect manufactured homes that  
5 are installed or replaced in flood hazard areas to determine compliance with the requirements of  
6 this division and the conditions of the issued permit. Upon placement of a manufactured home,  
7 certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

8 **Sec. 72-748. Variances and Appeals.**

9 (a) *General.* The Development Review Committee (hereinafter "DRC") shall hear and decide  
10 on requests for appeals and requests for variances from the strict application of this division.  
11 Pursuant to section 553.73(5), F.S., the DRC shall hear and decide on requests for appeals and  
12 requests for variances from the strict application of the flood resistant construction requirements  
13 of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building*  
14 *Code, Building*.

15 (b) *Appeals.* The DRC shall hear and decide appeals when it is alleged there is an error in any  
16 requirement, decision, or determination made by the Floodplain Administrator in the  
17 administration and enforcement of this division. Any person aggrieved by the decision may appeal  
18 such decision to the County Council of the County of Volusia pursuant to the procedures of  
19 subsection 72-502(g).

20 (c) *Limitations on authority to grant variances.* The DRC shall base its decisions on variances  
21 on technical justifications submitted by applicants, the considerations for issuance in section 72-  
22 748(g) of this division, the conditions of issuance set forth in section 72-748(h) of this division,  
23 and the comments and recommendations of the Floodplain Administrator and the Building

1 Official. The DRC has the right to attach such conditions as it deems necessary to further the  
2 purposes and objectives of this division.

3 (d) Restrictions in floodways. A variance shall not be issued for any proposed development in  
4 a floodway if any increase in base flood elevations would result, as evidenced by the applicable  
5 analyses and certifications required in section 72-746(c) of this division.

6 (e) Historic buildings. A variance is authorized to be issued for the repair, improvement, or  
7 rehabilitation of a historic building that is determined eligible for the exception to the flood  
8 resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12  
9 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation  
10 will not preclude the building's continued designation as a historic building and the variance is the  
11 minimum necessary to preserve the historic character and design of the building. If the proposed  
12 work precludes the building's continued designation as a historic building, a variance shall not be  
13 granted and the building and any repair, improvement, and rehabilitation shall be subject to the  
14 requirements of the Florida Building Code.

15 (f) Functionally dependent uses. A variance is authorized to be issued for the construction or  
16 substantial improvement necessary for the conduct of a functionally dependent use, as defined in  
17 this division, provided the variance meets the requirements of section 72-748(d), is the minimum  
18 necessary considering the flood hazard, and all due consideration has been given to use of methods  
19 and materials that minimize flood damage during occurrence of the base flood.

20 (g) Considerations for issuance of variances. In reviewing requests for variances, the DRC  
21 shall consider all technical evaluations, all relevant factors, all other applicable provisions of the  
22 Florida Building Code, this division, and the following:

1 (1) The danger that materials and debris may be swept onto other lands resulting in further  
2 injury or damage;

3 (2) The danger to life and property due to flooding or erosion damage;

4 (3) The susceptibility of the proposed development, including contents, to flood damage and  
5 the effect of such damage on current and future owners;

6 (4) The importance of the services provided by the proposed development to the community;

7 (5) The availability of alternate locations for the proposed development that are subject to  
8 lower risk of flooding or erosion;

9 (6) The compatibility of the proposed development with existing and anticipated development;

10 (7) The relationship of the proposed development to the comprehensive plan and floodplain  
11 management program for the area;

12 (8) The safety of access to the property in times of flooding for ordinary and emergency  
13 vehicles;

14 (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of  
15 the floodwaters and the effects of wave action, if applicable, expected at the site; and

16 (10) The costs of providing governmental services during and after flood conditions including  
17 maintenance and repair of public utilities and facilities such as sewer, gas, electrical and  
18 water systems, streets and bridges.

19 (h) Conditions for issuance of variances. Variances shall be issued only upon:

20 (1) Submission by the applicant, of a showing of good and sufficient cause that the unique  
21 characteristics of the size, configuration, or topography of the site limit compliance with

1 any provision of this division or the required elevation standards;

2 (2) Determination by the DRC that:

3 (a) Failure to grant the variance would result in exceptional hardship due to the  
4 physical characteristics of the land that render the lot undevelopable; increased  
5 costs to satisfy the requirements or inconvenience do not constitute hardship;

6 (b) The granting of a variance will not result in increased flood heights, additional  
7 threats to public safety, extraordinary public expense, nor create nuisances, cause  
8 fraud on or victimization of the public or conflict with existing local laws and  
9 ordinances; and

10 (c) The variance is the minimum necessary, considering the flood hazard, to afford  
11 relief;

12 (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be  
13 recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain  
14 of title of the affected parcel of land; and

15 (4) If the request is for a variance to allow construction of the lowest floor of a new building,  
16 or substantial improvement of a building, below the required elevation, a copy in the record  
17 of a written notice from the Floodplain Administrator to the applicant for the variance,  
18 specifying the difference between the base flood elevation and the proposed elevation of  
19 the lowest floor, stating that the cost of federal flood insurance will be commensurate with  
20 the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25  
21 for \$100 of insurance coverage), and stating that construction below the base flood  
22 elevation increases risks to life and property.

1 **Sec. 72-749. Violations.**

2 (a) Violations. Any development that is not within the scope of the Florida Building Code but  
3 that is regulated by this division that is performed without an issued permit, that is in conflict with  
4 an issued permit, or that does not fully comply with this division, shall be deemed a violation of  
5 this division. A building or structure without the documentation of elevation of the lowest floor,  
6 other required design certifications, or other evidence of compliance required by this division or  
7 the Florida Building Code is presumed to be a violation until such time as that documentation is  
8 provided.

9 (b) Authority. For development that is not within the scope of the Florida Building Code but  
10 that is regulated by this division and that is determined to be a violation, the Floodplain  
11 Administrator is authorized to serve notices of violation or stop work orders to owners of the  
12 property involved, to the owner's agent, or to the person or persons performing the work.

13 (c) Unlawful continuance and penalties for violation. Any person who shall continue any work  
14 after having been served with a notice of violation or a stop work order, except such work as that  
15 person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject  
16 to penalties for violation in accordance with subsection 72-500(d).

17 **Sec. 72-750 – 72-755. – Reserved.**

18 **Sec. 72-756. Buildings and Structures.**

19 (a) Design and construction of buildings, structures and facilities exempt from the Florida  
20 Building Code. Pursuant to section 72-745(c) of this division, buildings, structures, and facilities that  
21 are exempt from the Florida Building Code, including substantial improvement or repair of substantial  
22 damage of such buildings, structures and facilities, shall be designed and constructed in accordance  
23 with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from

1 the Florida Building Code that are not walled and roofed buildings shall comply with the requirements  
2 of section 72-762 of this division.

3 (b) Buildings and structures seaward of the coastal construction control line. If extending, in  
4 whole or in part, seaward of the coastal construction control line and also located, in whole or in  
5 part, in a flood hazard area:

6 (1) Buildings and structures shall be designed and constructed to comply with the more  
7 restrictive applicable requirements of the Florida Building Code, Building Section 3109  
8 and Section 1612 or Florida Building Code, Residential Section R322.

9 (2) Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall  
10 be designed and constructed to comply with the intent and applicable provisions of this  
11 division and ASCE 24.

12 (c) Accessory structures. Accessory structures accessory to one- and two-family dwellings  
13 shall be used only for parking and storage accessory to the primary structures and shall be anchored  
14 to resist wind and flood loads.

15 (1) In Zone A/AE flood hazard areas, accessory structures larger than 200 square feet and shall  
16 meet with the flood opening requirements of R322.2.

17 (2) In coastal high hazard areas (Zone V) and Coastal A Zone, accessory structures than 200  
18 square feet shall meet the breakaway wall requirements of R322.3.

19 **Sec. 72-757. Subdivisions.**

20 (a) Minimum requirements. Subdivision proposals, including proposals for manufactured  
21 home parks and subdivisions, shall be reviewed to determine that:

22 (1) Such proposals are consistent with the need to minimize flood damage and will be

1        reasonably safe from flooding;

2        (2) All public utilities and facilities such as sewer, gas, electric, communications, and water  
3        systems are located and constructed to minimize or eliminate flood damage; and

4        (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO,  
5        adequate drainage paths shall be provided to guide floodwaters around and away from  
6        proposed structures.

7        (b) Subdivision plats. Where any portion of proposed subdivisions, including manufactured  
8        home parks and subdivisions, lies within a flood hazard area, the following shall be required:

9        (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood  
10       elevations, as appropriate, shall be shown on preliminary plats;

11       (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood  
12       elevations are not included on the FIRM, the base flood elevations determined in  
13       accordance with section 72-746(b)(1) of this division; and

14       (3) Compliance with the site improvement and utilities requirements of section 72-758 of this  
15       division.

16       **Sec. 72-758. Site Improvements, Utilities and Limitations.**

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

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

21       (2) All public utilities and facilities such as sewer, gas, electric, communications, and water  
22       systems are located and constructed to minimize or eliminate flood damage; and

1       (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO,  
2       adequate drainage paths shall be provided to guide floodwaters around and away from  
3       proposed structures.

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

10       (c) Water supply facilities. All new and replacement water supply facilities shall be designed  
11       in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE  
12       24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

13       (d) Limitations on stream encroachments. In special flood hazard areas without base flood  
14       elevations, or in special flood hazard areas with base flood elevations but without floodway  
15       designations, no encroachments, including fill material or structures, shall be located within a  
16       distance of a stream bank equal to five times the width of the stream at the top of bank or twenty  
17       (20) feet on either side from top of bank, whichever is greater, unless the analysis specified in  
18       section 72-746(c)(3) demonstrate no increase in flood levels during occurrence of the base flood  
19       discharge.

20       (e) Limitations on sites in regulatory floodways. No development, including but not limited to  
21       site improvements, and land disturbing activity involving fill or regrading, shall be authorized in  
22       the regulatory floodway unless the floodway encroachment analysis required in section 72-  
23       746(c)(1) of this division demonstrates that the proposed development or land disturbing activity

1 will not result in any increase in the base flood elevation.

2 (f) Limitations on placement of fill. Subject to the limitations of this division, fill shall be  
3 designed to be stable under conditions of flooding including rapid rise and rapid drawdown of  
4 floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In  
5 addition to these requirements, if intended to support buildings and structures (Zone A only), fill  
6 shall comply with the requirements of the Florida Building Code.

7 (g) Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas,  
8 alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved  
9 by the Florida Department of Environmental Protection and only if the engineering analysis  
10 required by section 72-746(c)(4) of this division demonstrates that the proposed alteration will not  
11 increase the potential for flood damage. Construction or restoration of dunes under or around  
12 elevated buildings and structures shall comply with section 72-762(h)(3) of this division.

13 **Sec. 72-759. – Manufactured Homes.**

14 (a) General. All manufactured homes installed in flood hazard areas shall be installed by an  
15 installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements  
16 of Chapter 15C-1, F.A.C. and the requirements of this division. Manufactured homes shall not be  
17 installed in floodways and coastal high hazard areas except in existing manufactured home parks  
18 and subdivisions. If located seaward of the coastal construction control line, all manufactured  
19 homes shall comply with the more restrictive of the applicable requirements.

20 (b) Foundations. All new manufactured homes and replacement manufactured homes installed  
21 in flood hazard areas shall be installed on permanent, reinforced foundations that:

- 22 (1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in  
23 accordance with the foundation requirements of the Florida Building Code, Residential

1 Section R322.2 and this division. Foundations for manufactured homes subject to section  
2 72-759(f) of this division are permitted to be reinforced piers or other foundation elements  
3 of at least equivalent strength.

4 (2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation  
5 requirements of the *Florida Building Code, Residential* Section R322.3 and this division.

6 (c) Anchoring. All new manufactured homes and replacement manufactured homes shall be  
7 installed using methods and practices which minimize flood damage and shall be securely  
8 anchored to an adequately anchored foundation system to resist flotation, collapse or lateral  
9 movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties  
10 to ground anchors. This anchoring requirement is in addition to applicable state and local  
11 anchoring requirements for wind resistance.

12 (d) Elevation. Manufactured homes that are placed, replaced, or substantially improved shall  
13 comply with section 72-759(e) or 759(f) of this division, as applicable.

14 (e) General elevation requirement. Unless subject to the requirements of section 72-759(f) of  
15 this division, all manufactured homes that are placed, replaced, or substantially improved on sites  
16 located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home  
17 park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or  
18 (d) in an existing manufactured home park or subdivision upon which a manufactured home has  
19 incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the  
20 frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida*  
21 *Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

22 (f) Elevation requirement for certain existing manufactured home parks and subdivisions.  
23 Manufactured homes that are not subject to section 72-759(e) of this division, including

1 manufactured homes that are placed, replaced, or substantially improved on sites located in an  
2 existing manufactured home park or subdivision, unless on a site where substantial damage as  
3 result of flooding has occurred, shall be elevated such that either the:

4 (1) Bottom of the frame of the manufactured home is at or above the elevation required, as  
5 applicable to the flood hazard area, in the *Florida Building Code, Residential Section*  
6 R322.2 (Zone A) or Section R322.3 (Zone V); or

7 (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at  
8 least equivalent strength that are not less than 48 inches in height above grade.

9 (g) Enclosures. Enclosed areas below elevated manufactured homes shall comply with the  
10 requirements of the *Florida Building Code, Residential Section R322.2 or R322.3 for such*  
11 enclosed areas, as applicable to the flood hazard area.

12 (h) Utility equipment. Utility equipment that serves manufactured homes, including electric,  
13 heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall  
14 comply with the requirements of the *Florida Building Code, Residential Section R322,* as  
15 applicable to the flood hazard area.

16 **Sec. 72-760. – Recreational Vehicles and Park Trailers**

17 (a) Limitations. Placement of recreational vehicles and park trailers shall not be permitted in  
18 coastal high hazard areas except in existing recreational home parks. New recreational home parks  
19 shall not have pad sites located in coastal high hazard areas.

20 (b) Temporary placement. Recreational vehicles and park trailers placed temporarily in flood  
21 hazard areas shall:

22 (1) Be on the site for fewer than 180 consecutive days; or

23 (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park

1 model is on wheels or jacking system, is attached to the site only by quick-disconnect type  
2 utilities and security devices, and has no permanent attachments such as additions, rooms,  
3 stairs, decks and porches.

4 (c) Permanent placement. Recreational vehicles and park trailers that do not meet the  
5 limitations in section 72-760(a) of this division for temporary placement shall meet the  
6 requirements of section 72-759 of this division for manufactured homes.

7 **Sec. 72-761. – Tanks.**

8 (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent  
9 flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during  
10 conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

11 (b) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation  
12 requirements of section 72-761(c) of this division shall:

13 (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided  
14 the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse  
15 or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions  
16 of the design flood, including the effects of buoyancy assuming the tank is empty and the  
17 effects of flood-borne debris.

18 (2) Not be permitted in coastal high hazard areas (Zone V).

19 (c) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated  
20 to or above the design flood elevation and attached to a supporting structure that is designed to  
21 prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-  
22 supporting structures shall meet the foundation requirements of the applicable flood hazard area.

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

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

3 and

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

6 **Sec. 72-762. – Other Development.**

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

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

11 (2) Meet the limitations of section 72-758(e) of this division if located in a regulated floodway;

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

14 (4) Be constructed of flood damage-resistant materials; and

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

20 (b) Fences in regulated floodways. Fences in regulated floodways that have the potential to  
21 block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the  
22 limitations of section 72-758(e) of this division.

1 (c) Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and  
2 sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the  
3 limitations of section 72-758(e) of this division.

4 (d) Roads and watercourse crossings in regulated floodways. Roads and watercourse  
5 crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles  
6 or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated  
7 floodways shall meet the limitations of section 72-758(e) of this division. Alteration of a  
8 watercourse that is part of a road or watercourse crossing shall meet the requirements of section  
9 72-746(c)(3) of this division.

10 (e) Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios  
11 and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas,  
12 concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and  
13 similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided  
14 the concrete slabs are designed and constructed to be:

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

19 (f) Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of  
20 the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed,  
21 and constructed in compliance with the following:

- 22 (1) A deck that is structurally attached to a building or structure shall have the bottom of the  
23 lowest horizontal structural member at or above the design flood elevation and any

1 supporting members that extend below the design flood elevation shall comply with the  
2 foundation requirements that apply to the building or structure, which shall be designed to  
3 accommodate any increased loads resulting from the attached deck.

4 (2) A deck or patio that is located below the design flood elevation shall be structurally  
5 independent from buildings or structures and their foundation systems, and shall be  
6 designed and constructed either to remain intact and in place during design flood conditions  
7 or to break apart into small pieces to minimize debris during flooding that is capable of  
8 causing structural damage to the building or structure or to adjacent buildings and  
9 structures.

10 (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is  
11 constructed with more than the minimum amount of fill necessary for site drainage shall  
12 not be approved unless an analysis prepared by a qualified registered design professional  
13 demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that  
14 would increase damage to the building or structure or to adjacent buildings and structures.

15 (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at  
16 natural grade or on nonstructural fill material that is similar to and compatible with local  
17 soils and is the minimum amount necessary for site drainage may be approved without  
18 requiring analysis of the impact on diversion of floodwaters or wave runup and wave  
19 reflection.

20 (g) Other development in coastal high hazard areas (Zone V). In coastal high hazard areas,  
21 development activities other than buildings and structures shall be permitted only if also authorized  
22 by the appropriate federal, state or local authority; if located outside the footprint of, and not  
23 structurally attached to, buildings and structures; and if analyses prepared by qualified registered

1 design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave  
2 reflection that would increase damage to adjacent buildings and structures. Such other  
3 development activities include but are not limited to:

4 (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

5 (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and  
6 constructed to fail under flood conditions less than the design flood or otherwise function  
7 to avoid obstruction of floodwaters; and

8 (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled  
9 systems or mound systems.

10 *(h) Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:

11 (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted  
12 for landscaping and for drainage purposes under and around buildings.

13 (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units  
14 horizontal shall be permitted only if an analysis prepared by a qualified registered design  
15 professional demonstrates no harmful diversion of floodwaters or wave runup and wave  
16 reflection that would increase damage to adjacent buildings and structures.

17 (3) Where authorized by the Florida Department of Environmental Protection or applicable  
18 local approval, sand dune construction and restoration of sand dunes under or around  
19 elevated buildings are permitted without additional engineering analysis or certification of  
20 the diversion of floodwater or wave runup and wave reflection if the scale and location of  
21 the dune work is consistent with local beach-dune morphology and the vertical clearance  
22 is maintained between the top of the sand dune and the lowest horizontal structural member

1           of the building.

2    Sec. 72-763 – 72-775. – Reserved.

3           **SECTION II:** Chapter 22 Buildings and Building Regulations, Article I In General, of the  
4 Volusia County Code of Ordinances is hereby amended to provide for the following technical  
5 amendments to the *Florida Building Code*.

6    Sec. 22-4. – Technical Amendments to the Florida Building Code

7           (a) Technical amendments to Florida Building Code, Residential:

8           (1) The following technical amendments to the Florida Building Code, Residential, Chapter  
9           3, Building Planning, Section R322 Flood Resistant Construction, identified by bold and  
10           bold/strikethrough text, are adopted as follows:

11           R322.2.2 Enclosed area below design flood elevation. Enclosed areas, including crawl  
12           spaces, that are below the design flood elevation shall:

13           1. Be used solely for parking of vehicles, building access or storage. The interior  
14           portion of such enclosed areas shall not be partitioned or finished into separate  
15           rooms except for stairwells, ramps, and elevators, unless a partition is required  
16           by the fire code. The limitation on partitions does not apply to load bearing  
17           walls interior to perimeter wall (crawlspace) foundations. Access to enclosed  
18           areas shall be the minimum necessary to allow for the parking of vehicles  
19           (garage door) or limited storage of maintenance equipment used in connection  
20           with the premises (standard exterior door) or entry to the building (stairway  
21           or elevator).

22           2. Be provided with flood openings that meet the following criteria and are  
23           installed in accordance with Section R322.2.2.1:

1                    2.1. The total net area of non-engineered openings shall be not less than 1  
2                    square inch (645 mm<sup>2</sup>) for each square foot (0.093 m<sup>2</sup>) of enclosed area where  
3                    the enclosed area is measured on the exterior of the enclosure walls, or the  
4                    openings shall be designed as engineered openings and the *construction*  
5                    *documents* shall include a statement by a registered *design professional* that  
6                    the design of the openings will provide for equalization of hydrostatic flood  
7                    forces on *exterior walls* by allowing for the automatic entry and exit of  
8                    floodwaters as specified in Section 2.7.2.2 of ASCE 24.

9                    2.2. Openings shall be not less than 3 inches (76 mm) in any direction in the  
10                   plane of the wall.

11                   2.3 The presence of louvers, blades, screens and faceplates or other covers  
12                   and devices shall allow the automatic flow of floodwater into and out of the  
13                   enclosed areas and shall be accounted for in the determination of the net open  
14                   area.

15                   R322.3.4 Walls below design flood elevation. Walls ~~and partitions~~ are permitted below  
16                   the elevated floor, provided that such walls ~~and partitions~~ are not part of the structural  
17                   support of the building or structure and:

18                   1. Electrical, mechanical and plumbing system components are not to be mounted  
19                   on or penetrate through walls that are designed to break away under flood loads;

20                   and

21                   2. Are constructed with insect screening or open lattice; or

22                   3. Are designed to break away or collapse without causing collapse, displacement  
23                   or other structural damage to the elevated portion of the building or supporting

1 foundation system. Such walls, framing and connections shall have a resistance of  
2 not less than 10 (479 Pa) and not more than 20 pounds per square foot (958 Pa) as  
3 determined using allowable stress design; or

4 4. Where wind loading values of this code exceed 20 pounds per square foot (958  
5 Pa), as determined using allowable stress design, the *construction documents* shall  
6 include documentation prepared and sealed by a registered *design professional* that:

7 4.1. The walls ~~and partitions~~ below the design flood elevation have been  
8 designed to collapse from a water load less than that which would occur  
9 during the base flood.

10 4.2. The elevated portion of the building and supporting foundation system  
11 have been designed to withstand the effects of wind and flood loads acting  
12 simultaneously on structural and nonstructural building components. Water-  
13 loading values used shall be those associated with the design flood. Wind-  
14 loading values shall be those required by this code.

15 5. Walls intended to break away under flood loads as specified in Item 3 or 4 have  
16 flood openings that meet the criteria in Section R322.2.2, Item 2.

17 R322.3.5 Enclosed areas below the design flood elevation. Enclosed areas below the  
18 design flood elevation shall be used solely for parking of vehicles, building access or  
19 storage. **The interior portion of such enclosed area shall not be partitioned or**  
20 **finished into separate rooms except for stairwells, ramps, and elevators, unless a**  
21 **partition is required by the fire code. Enclosed areas shall not be temperature**  
22 **controlled. Access to enclosed areas shall be the minimum necessary to allow for the**  
23 **parking of vehicles (garage door) or limited storage of maintenance equipment used**

1 in connection with the premises (standard exterior door) or entry to the building  
2 (stairway or elevator).

3 (b) Technical amendments to Florida Building Code, Building.

4 (1) The following technical amendment to the Florida Building Code, Building, Chapter 2,  
5 Definitions, identified by bold text, is adopted as follows:

6 *SUBSTANTIAL IMPROVEMENT.* Any **combination of repair**, reconstruction,  
7 rehabilitation, alteration, *addition* or other improvement of a building or structure  
8 **taking place during a five (5) year period**, the **cumulative** cost of which equals or  
9 exceeds 50 percent of the market value of the structure before the improvement or  
10 repair is started. **The period of accumulation begins when the first improvement**  
11 **or repair of each building or structure is permitted.** If the structure has sustained  
12 *substantial damage*, any *repairs* are considered substantial improvement regardless of  
13 the actual *repair* work performed. The term does not, however, include either:

- 14 1. Any project for improvement of a building required to correct existing health,  
15 sanitary or safety code violations identified by the *building official* and that is the  
16 minimum necessary to assure safe living conditions.
- 17 2. Any *alteration* of a historic structure provided that the *alteration* will not preclude  
18 the structure's continued designation as a historic structure.

19 (2) The following technical amendment to the Florida Building Code, Building, Chapter  
20 16, Structural Design, identified by bolded text, is adopted as follows:

21 **1612.4.2 Enclosure limitations.** Enclosed areas below the design flood elevation  
22 **shall be used solely for parking of vehicles, building access or storage. The interior**  
23 **portion of such enclosed area shall not be partitioned or finished into separate**

1 rooms except for stairwells, ramps, and elevators, unless a partition is required  
2 by the fire code. Access to enclosed areas shall be the minimum necessary to allow  
3 for the parking of vehicles (garage door) or limited storage of maintenance  
4 equipment used in connection with the premises (standard exterior door) or entry  
5 to the building (stairway or elevator).

6 (c) Technical amendments to Florida Building Code, Existing Building:

7 (1) The following technical amendment to the Florida Building Code, Existing Building,  
8 Chapter 2, Definitions, identified by bold and bold/strikethrough text, is adopted as  
9 follows:

10 SUBSTANTIAL IMPROVEMENT. For the purpose of determining compliance with the  
11 flood provisions of this code, any **combination of repair, reconstruction,**  
12 **rehabilitation, alteration, addition** or other improvement of a building or structure  
13 **taking place during a five (5) year period, the cumulative cost of which equals or**  
14 **exceeds 50 percent of the market value of the structure, before the improvement or**  
15 **repair is started. The period of accumulation begins when the first improvement**  
16 **or repair of each building or structure is permitted. If the structure has sustained**  
17 **substantial damage, any repairs are considered substantial improvement**  
18 **regardless of the actual repair work performed.** The term does not, however, include  
19 either:

- 20 1. Any project for improvement of a building required to correct existing health,  
21 sanitary or safety code violations identified by the ~~code~~ **building** official and that  
22 is the minimum necessary to assure safe living conditions; or  
23 2. Any alteration of a historic structure, provided that the alteration will not

1 preclude the structure's continued designation as a historic structure.

2 **Secs. 22-5—22-30. - Reserved.**

3 **SECTION III: FISCAL IMPACT STATEMENT.**

4 Pursuant to section 553.73(4)(b)9. the county council finds (1) in terms of design, plan application  
5 review, construction and inspection of buildings and structures, the cost impact as an overall  
6 average is negligible in regard to the local technical amendments because all development has  
7 been subject to the requirements of the local floodplain management ordinance adopted for  
8 participation in the National Flood Insurance Program and (2) in terms of lower potential for flood  
9 damage, there will be continued savings and benefits to consumers.

10 **SECTION V: SEVERABILITY** - Should any word, phrase, sentence, subsection or  
11 section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or  
12 unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed  
13 from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain  
14 in full force and effect.

15 **SECTION VI: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in  
16 conflict herewith are, to the extent of such conflict, repealed.

17 **SECTION VII: AUTHORIZING INCLUSION IN CODE** - The provisions of this  
18 ordinance shall be included and incorporated into the Code of Ordinances of the County of Volusia,  
19 as additions or amendments thereto, and shall be appropriately renumbered to conform to the  
20 uniform numbering system of the code; except for the technical amendments to the Florida  
21 Building Code, which shall conform with the formatting and numbering requirements of the  
22 Florida Building Code and the bold and bold/strikethrough text shall be published as shown in this  
23 ordinance.

1           **SECTION IX: EFFECTIVE DATE** –A certified copy of this ordinance shall be filed  
2 electronically with the Department of State within ten (10) days after enactment by the County  
3 Council. Amendments to Chapter 72 Land Planning shall take place immediately upon filing with  
4 the Department of State. Amendments to Chapter 22 Buildings and Building Regulations shall not  
5 become effective until thirty (30) days after the local technical amendments have been received  
6 and published by the Florida Building Commission as set forth in section 553.73 (4)(b)(5), Florida  
7 Statutes.

8

9           ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN  
10 MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE  
11 THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,  
12 DELAND, FLORIDA, THIS 16<sup>th</sup> DAY OF APRIL, 2019.

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COUNTY COUNCIL  
COUNTY OF VOLUSIA, FLORIDA

By: Ed Kelley  
Ed Kelley, County Chair

ATTEST: [Signature]

George Recktenwald, County Manager