



Interoffice Memorandum

Date July 15, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Joseph C. Kunkel, P.E., Director, Public Works Department

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CONTACT PERSON : Daniel Negron, P. E., CFM, Chief Engineer
Stormwater Management Division

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PHONE NUMBER: (407) 836-7743

**SUBJ: July 27, 2021 – Work Session
Proposed Amendments to Orange County Code
Chapters 9, 19, and 34**

As a participating community in Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) and Community Rating System (CRS), Orange County is required to have floodplain management regulations that meet or exceed the minimum requirements of the NFIP. The NFIP allows property owners in participating communities to purchase flood insurance and CRS participation allows residents to obtain discounts on their flood insurance policies.

When FEMA issues a Letter of Final Determination (LFD), the community must amend its floodplain management regulations six months after the LFD's effective date. The effective date of the new LFD for Orange County was March 24, 2021. The deadline for amending floodplain management regulations is September 24, 2021.

The Public Works Department is proposing to amend Chapter 19, Floodplain Management; Article II of Chapter 9, Building and Construction Regulations; and Section 34-228 of Chapter 34, Subdivision Regulations of the Orange County Code in order to meet FEMA's minimum requirements. The proposed changes will also allow the County to pursue a higher CRS classification to benefit our residents through higher flood insurance discounts.

The Florida Division of Emergency Management (FDEM) provided a model ordinance that meets and exceeds FEMA's minimum requirements. FDEM's model ordinance is the basis for the proposed changes to the ordinances. The proposed changes better coordinates the floodplain management regulations with the Florida Building Code.

JCK/DN/mh

Attachments

ORDINANCE NO. 2021 -

AN ORDINANCE OF ORANGE COUNTY, FLORIDA,
AMENDING CERTAIN PROVISIONS OF CHAPTER 9
("BUILDING AND CONSTRUCTION REGULATIONS") OF
THE ORANGE COUNTY CODE BY AMENDING ARTICLE
II ("BUILDING CODE"); AND PROVIDING AN
EFFECTIVE DATE.

WHEREAS, Chapter 553, Florida Statutes, allows for local technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the *Florida Building Code* and allows adoption of local administrative and local technical amendments to the *Florida Building Code* relating to flood resistance to implement the National Flood Insurance Program and incentives; and

WHEREAS, the Board of County Commissioners previously adopted requirements to (1) require buildings that sustain repetitive flood damage over a 10-year period to be included in the definition of "substantial damage," (2) require accumulation of costs of improvements and repairs of buildings, based on issued building permits, over the life of buildings, and (3) to limit partitions and access to enclosures below elevated dwellings in flood hazard areas prior to July 1, 2010 and, pursuant to section 553.73(5), F.S., is formatting those requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the Board of County Commissioners is adopting a requirement for critical facilities to be protected to two feet above the base elevation for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting those requirements to coordinate with the *Florida Building Code*; and

WHEREAS, the Board of County Commissioners has determined that it is in the public interest to adopt the proposed local technical amendments to the *Florida Building Code* and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, and are in compliance with section 553.73(4), Florida Statutes; and

WHEREAS, the Board of County Commissioners has determined that it is in the public interest to adopt the proposed amendments to the *Florida Building Code*.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF

42 ORANGE COUNTY, FLORIDA:

Section 1. Amendments; In General. Chapter 9 (“Building and Construction
44 Regulations”) of the Orange County Code is amended as set forth in Sections 2, with additions
being shown as underlined and deletions being shown as ~~struck through~~:

46 *Section 2. Amendments to Chapter 9, Article II (Building Code)*. Article II
 (“Building Code”) is hereby amended as follows:

48 **ARTICLE II.**

BUILDING CODE

50 **DIVISION 1. BUILDING**

Sec. 9-31. Authority to enact; purpose.

52 This article is enacted under the authority of the home rule
power of the county for the purpose of adopting rules and
54 regulations and codes regulating building safety in the county.

Sec. 9-32. - Reserved.

56 **Sec. 9-33. Florida Building Code, Building, adopted.**

58 (a) *Adopted.* Subject to the administrative and technical
amendments set forth in subsection (b) below, the Florida Building
Code, Building, Seventh Edition, as it may be amended from time to
60 time (the "Code"), shall be the governing law relative to building
standards in Orange County, Florida ("Orange County"). ~~Floodplain
62 provisions shall be governed and enforced in accordance with the
Code and Chapter 19 ("Floodplain Management") of the Orange
64 County Code. In the case of any apparent conflict between the
floodplain regulations set forth in this chapter and those in Chapter
66 19, the more restrictive provisions shall control.~~

68 (b) *Amendments.* The Code is hereby amended as
follows:

70 A. *Subsection 101.3.1* is hereby created
as follows:

72 101.3.1. Permitting and inspection.
The permitting or inspection of any building

74 system or plan by Orange County under the
requirements of this Code shall not be
76 construed as a warranty of the physical
condition of such building, system, or plan or
of their adequacy. Neither Orange County
78 nor any employee thereof shall be liable in
tort for damages for any defect or hazardous
80 or illegal condition or inadequacy in such
building, system, or plan, nor for any failure
82 of any component of such, which may occur
subsequent to such inspection or permitting.

84 B. *Subsections 102.2.7 and 102.5* are
hereby created to read as follows:

86 102.2.7. Mobile/ manufactured home
repair and remodeling. As defined in Section
88 320.01(2), Florida Statutes (2016), work
performed on mobile/manufactured homes
90 shall be subject to the following guidelines:

92 (1) Additions including, but not
limited to, add-a-rooms, roof-overs, and
94 porches shall be free standing and self-
supporting with only the flashing attached to
the main unit unless the added unit has been
96 designed to be married to the existing unit.
All additions shall be constructed in
98 compliance with state and locally adopted
building codes.

100 (2) Anchoring of additions shall
be in compliance with requirements for
102 similar type construction.

104 (3) Repair or remodeling of a
mobile/manufactured home shall require the
use of material and design equivalent to the
106 original construction. Structure shall include,
but not be limited to, roof system, walls, floor
108 system, windows, and exterior doors of the
mobile/manufactured home.

110 (4) Electrical repair and
replacements shall require the use of material
and design equivalent to the original
112 construction.

114 (5) Plumbing repairs and
116 replacements shall require the use of material
and design equivalent to the original
construction.

118 (6) Alternatively, work per-
120 formed on mobile/manufactured homes may
be performed in accordance with the Florida
Building Code.

122 102.5. Partial Invalidity. If any
124 section, subsection, sentence, clause, or
phrase of this Code is for any reason held to
126 be invalid and/or unconstitutional, such
finding shall not affect the validity of the
remaining portions of this Code.

128 C. *Section 103* is hereby created to read
as follows:

130 103. Division of Building Safety.

132 103.1. Establishment. There is hereby
created a division to be called the Division of
Building Safety (the "Division").

134 103.2. Employee qualifications.

136 103.2.1. Building official
qualifications. The building official shall be
138 licensed as a Building Code Administrator by
the State of Florida. The building official
shall be appointed by the County Mayor or
140 his/her designee.

142 103.2.2. Employee qualifications. A
person shall not be appointed or hired as
144 inspector or plans examiner unless that
person meets the qualifications for licensure
146 as an inspector or plans examiner in the
appropriate trade, as established by the State
of Florida.

148 103.3. Restrictions on employees.
Officers or employees connected with the
150 Division, except one whose only connection
is as a member of a board established by this
152 Code, shall not be financially interested: (i)
in the furnishing of labor, material, or
154 appliances for the construction, alteration, or

156 maintenance of a building, structure, service,
or system; or (ii) in the making of plans, or of
158 specifications thereof, within the jurisdiction
of the Division, unless they are the owners of
160 such. Said officers or employees shall not
engage in any other work which is
162 inconsistent with their duties or which
conflicts with the interest of the Division.

164 D. *Section 104* is hereby amended by
creation and addition of the following
subsections, as follows:

166 104.1. General. The building official
is hereby authorized and directed to enforce
168 the provisions of this Code; however, for
purposes of enforcing any floodplain
170 management regulation contained herein, the
building official may coordinate with the
172 Orange County Public Works Department in
carrying out the aforementioned duty. The
174 building official shall have the authority to
render interpretations of this Code and to
176 adopt policies and procedures in order to
clarify the application of its provisions. Such
178 interpretations, policies, and procedures shall
be in compliance with the intent and purpose
180 of this Code, and shall not have the effect of
waiving requirements specifically provided
182 for in this Code. Any requirements necessary:
(i) for the strength, stability, or proper
184 operation of an existing or proposed building
or structure or of an electrical, gas,
186 mechanical, or plumbing system; or (ii) for
the public safety, health, and general welfare,
188 not specifically covered by this Code, shall
be determined by the building official.

190 104.2. Applications and permits.

192 104.2.1. Misrepresentation in
application. The building official may revoke
194 a permit or approval issued under the
provisions of this Code where there has been
196 any false statement or misrepresentation
regarding any material fact in the application
or plans on which the permit or approval was
198 based.

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104.2.2. Revocation of permits. The building official is authorized to reasonably suspend or revoke a permit issued under the provisions of this Code wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any provisions of this Code.

104.2.3. Violation of Code provision. The building official may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, or electrical, gas, mechanical, or plumbing system for which the permit was issued is in violation of, or not in conformity with, any provision of this Code.

104.6. Right of entry.

104.6.1. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition of Code violation which makes such building, structure, or premises or electrical, gas, mechanical, or plumbing system unsafe, dangerous, or hazardous, the building official may enter such building, structure, or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this Code. If such building or premises is occupied, s/he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, s/he shall first make a reasonable effort to locate the owner or other person(s) having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

104.6.2. When the building official has obtained a proper inspection warrant or

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other remedy provided by law to secure entry, an owner or occupant or any other person(s) having charge, care, or control of any building, structure, or premises shall, after proper request is made as herein provided, promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this Code.

104.7. Records. The building official shall keep, or cause to be kept, a record of the business of the Division. The records of the Division shall be open to reasonable public inspection, subject to exemptions under the law.

104.8. Liability. Officers or employees or members of a board created by this Code who are charged with the enforcement of this Code, acting for the BCC in the discharge of their duties, shall not thereby render themselves personally liable, and are hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties. Any suit brought against any officer or employee or board member because of any such act shall be defended by Orange County until the final termination of the proceedings.

~~104.10.1. Flood hazard area. Floodplain provisions shall be governed and enforced in accordance with the Code and Chapter 19 ("Floodplain Management") of the Orange County Code. In the case of any apparent conflict between the floodplain regulations set forth in this chapter and those in Chapter 19, Orange County Code, the more restrictive provisions shall control.~~

E. Section 105 is hereby amended by creation and addition of the following subsections, to read as follows:

105.1.5. Public right-of-way. A permit shall not be given by the building official (i) for construction or alteration of

288 any building which is to be changed, if such
change will affect the exterior walls, bays,
290 balconies, or other appendages or projections
fronting any street, alley, or public lane, or
292 (ii) for the placing on any lot or premises of
any building or structure removed from
another lot or premises, unless the applicant
294 has made application for right-of-way
permitting from the authority having
296 jurisdiction over any such street, alley, or
public lane.

298 105.2.4 Work exempt from permit.
Permits shall not be required for the
300 following:

302 1. Oil derricks.

304 2. Sidewalks and driveways
not more than 30 inches (762 mm) above
adjacent grade, and not over any basement
306 or *story* below and are not part of an
accessible route.

308 3. Painting, papering, tiling,
carpeting, cabinets, counter tops and similar
finish work.

310 4. Storable swimming or
wading pools as defined by this code.
312 Exception: Electrical alterations or
connections except for cord-and-plug
314 connection into an existing receptacle.

316 5. Shade cloth structures
constructed for nursery or agricultural
purposes, not including service systems.

318 6. Window awnings
supported by an exterior wall that do not
320 project more than 54 inches (1372 mm) from
the exterior wall and do not require
322 additional support of detached one and two
family dwellings.

324 7. Non fixed and movable
fixtures, cases, racks, counters and partitions
326 not over 5 feet 9 inches (1753 mm) in height.

328 8. Construction, alteration or
repair performed by the property owner
upon his or her own personal residence for a
330 one-story detached, freestanding, accessory

332 structure to a one or two family dwelling
used as a tool shed, storage shed, pergola,
334 deck, gazebo, playhouse or an
attached/detached accessibility ramp that
336 does not exceed a one hundred twenty-
square foot footprint for the owner's
338 personal use. This structure shall not
incorporate electrical, HVAC, fuel gas, or
340 plumbing. Zoning and flood requirements
shall be met as required.

342 9. One-and-two family fences
six (6) feet or less in height are also exempt
344 in accordance with this section. Zoning and
flood requirements shall be met as required.

346 F. *Subsection 105.4* is hereby deleted
and recreated to read as follows:

348 105.4 Conditions of the permit. The
issuance or granting of a permit shall not be
350 construed to be a permit for, or an approval
of, any violation of any of the provisions of
352 this code or of any other ordinance of the
jurisdiction. Permits presuming to give
354 authority to violate or cancel the provisions
of this code or other ordinances of the
356 jurisdiction shall not be valid. The issuance
of a permit based on construction documents
358 and other data shall not prevent the building
official from requiring the correction of
360 errors in the construction documents and
other data. The building official is also
362 authorized to deny a permit or prevent
occupancy or use of a structure where in
364 violation of this code or of any other
ordinances of this jurisdiction.

366 105.4.1. Permit intent. A permit
issued shall be construed to be a license to
368 proceed with the identified work and not as
authority to violate, cancel, alter, or set aside
370 any of the provisions of this Code, nor shall
such issuance of a permit prevent the building
372 official from thereafter requiring a correction
of errors in plans, or construction, or of
374 violations of this Code. Every permit issued

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shall become invalid (i) unless the work authorized by such permit is commenced and an approved inspection is made within six (6) months after its issuance, or (ii) if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced and/or an approved inspection is made. One (1) extension of time, for a period of not more than ninety (90) days, may be allowed at the sole discretion of the building official, prior to the expiration of such permit, provided the extension is requested in writing and justifiable cause is adequately demonstrated. Any extension granted shall be in writing and signed by the building official.

105.4.1.1. If permitted work has commenced and the permit is revoked, becomes null and void, or expires due to lack of progress or abandonment, a new permit covering the proposed construction must be obtained before proceeding with the work. Unless and until a new permit is issued and the attendant work is properly completed, no final inspection may be conducted and no certificate of occupancy may be issued. Additionally, at the discretion of the building official, no new permits may be issued to the permit holder and/or the property owner for such work and/or for work elsewhere in the county until the revoked or void permit is brought into compliance, unless such lack of compliance is due to circumstances outside the reasonable control of the permit holder and/or the property owner, as applicable.

105.4.1.2. If a new permit is not obtained within 180 days from the date the initial permit became null and void, the building official is authorized to require that any work which has been commenced, up to and including completion, be removed from the building site. Alternatively, a new permit may be issued, upon application, provided that both the work already in place and the newly permitted work are in full compliance

420 with all applicable regulations in effect at the
422 time the initial permit became null and void
and any regulations which may have become
424 effective between the date of expiration and
date of issuance of the new permit.
426 Notwithstanding the foregoing, for any work
previously in place that was inspected and
approved by the county, the building official
428 may allow compliance with the applicable
regulations in effect at the time the initial
430 permit expired, to the extent that allowing
such compliance will not cause any health or
432 safety concern.

434 105.4.1.3. A permit shall be
considered to be in an active status so long as
the permitted work has received an approved
436 inspection within 180 days of (i) permit
issuance or (ii) an approved inspection. This
438 provision shall not be applicable in case of
civil commotion or strike or when the work is
440 halted due directly to judicial injunction,
order, or similar process.

442 105.4.1.4. The fee for renewal,
reissuance, or extension of a permit shall be
444 set forth by the BCC.

446 105.4.1.5. A permit issued in
connection with a violation of any Orange
County Code provision, or in connection with
448 a determination or finding by the Orange
County Code Enforcement Board or Special
450 Master, shall not be used to avoid or extend
the time for compliance. Any work
452 performed in connection with such permit
must be inspected and approved by Orange
454 County prior to issuance of any subsequent
permit. If the building official finds that no
456 actual and substantial work has been
performed the official may (i) deny issuance
458 of a new permit and/or (ii) refer or remand, as
the case may be, the matter to the Code
460 Enforcement Board or Special Master for
further action pursuant to this Code and in
462 accordance with Chapter 11, Orange County
Code, as may be amended from time to time.

464 G. *Subsection 105.5.1* is hereby created
to read as follows:

466 105.5. Reserved.

468 105.5.1 Closing out or resolving open
or expired permits shall be the responsibility
470 of the permit applicant and/or the property
owner. Failure to properly close out or
472 resolve any open or expired permit(s) shall be
considered a violation of this chapter.

474 H. *Subsection 107.2.1.1* is hereby
created to read as follows:

476 107.2.1.1. Supporting data. The
building official shall be allowed to require
478 details, computations, stress diagrams, and
other data necessary to describe the
construction or installation and the basis of
480 calculations. All drawings, specifications,
and accompanying data required by the
482 building official to be prepared by an
architect or engineer shall be affixed with that
484 professional's official seal.

I. Reserved.

486 J. *Subsection 107.2.6.1* is hereby
created to read as follows:

488 107.2.6.1. New buildings or
structures, additions to existing buildings or
490 structures, and alterations to components
which may affect the structural stability of a
492 building or structure shall be designed by a
Florida-licensed architect or engineer, in
494 accordance with state statutes. Construction
documents shall show that the design meets
496 the applicable wind loading requirements of
the Florida Building Code, Building and the
498 Florida Building Code, Residential for any
building or structure, addition, or alteration
500 where wind load is applicable (see Section 9-
34 of the Orange County Code).

502 K. *Subsection 109.2* is hereby deleted
and recreated to read as follows:

504 109.2. Schedule of permit fees. On all
buildings, structures, and electrical, gas,

506 mechanical, and plumbing systems, or for
508 alterations requiring a permit, a fee for each
510 permit shall be paid as required in accordance
with the schedule as established by the Board
of County Commissioners.

512 L. *Subsection 109.3.1* is hereby created
to read as follows:

514 109.3.1 Building permit valuations,
Division manager. If, in the opinion of the
516 Division manager, the valuation of any
building, alteration, or structure or of any
518 electrical, gas, mechanical, or plumbing
system appears to be underestimated on the
520 application, any corresponding permit shall
be denied, unless the applicant can show
522 detailed estimates which meet with the
approval of the Division manager. Permit
524 valuations shall include total cost including,
without limitation, electrical, gas,
526 mechanical, plumbing, equipment, and other
systems, and including materials and labor.
528 The permit valuation may be calculated using
the latest Building Valuation Data published
530 by the International Code Council, or other
applicable model code organization, at the
sole discretion of the Division manager.

532 M. *Subsection 109.4* is hereby deleted
and recreated to read as follows:

534 109.4. Work commencing before
536 permit issuance. Any person who
commences any work on a building or
538 structure, or electrical, gas, mechanical, or
plumbing system before obtaining the
540 building official's approval and/or the
necessary permits shall be subject to a
542 penalty equivalent to double the permit fee,
or one hundred three dollars (\$103.00),
544 whichever is greater, in addition to the
required permit fees. This provision shall not
546 apply to emergency work when delay would
clearly have placed life or property in
548 imminent danger, as long as any and all
required permits are obtained within three (3)
business days of commencing such work; any

550 unreasonable delay (as determined by the
552 building official) in obtaining such permits
shall result in a penalty equivalent to double
554 the permit fee. In any case, payment of a
penalty as described herein shall not
556 preclude, or be deemed a substitute for,
prosecution for commencing work without
558 first obtaining a permit. The building official
may grant extensions of time or waive the
fees if justifiable cause (as determined by the
560 building official) has been adequately
demonstrated, in writing.

562 N. *Subsection 110.1.1* is hereby created
to read as follows:

564 110.1.1. Site Debris.

(a) The contractor and/or owner of
566 any active or inactive construction project
shall be responsible for the clean-up and
568 removal of all construction debris or any
other miscellaneous discarded articles prior
570 to receiving final inspection approval.
Construction job sites must be kept clean,
572 such that accumulation of construction debris
not contained within a storage receptacle or
574 bin shall not remain on the property for a
period of time exceeding fourteen (14) days.

(b) All debris shall be kept in such
576 a manner as to prevent it from being spread
by any means.
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(c) In the event of an adverse
580 weather or other condition or event that is
reasonably anticipated to disturb or otherwise
582 affect construction materials or equipment
that are stored at a site, and/or issuance of a
584 Level II or higher activation notice by the
Orange County Office of Emergency
586 Management, then such materials or
equipment shall be timely removed or
588 otherwise secured so as to avoid any impact
to neighboring properties.

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O. Reserved

P. *Subsection 111.1* is hereby deleted and recreated to read as follows:

111.1. Building use and occupancy. An existing building (except for a one or two-family dwelling or non-transient residential buildings) or a new building shall not be occupied or a change made in the occupancy, nature, or use of a building or part of a building until after the building official has issued a certificate of occupancy in the name of the occupant or tenant. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of any provisions under any laws including, but not limited to, the Orange County Code.

Additionally, until such time that permanent street identifier and wayfinding signs are installed, the contractor and/or owner shall post signage reasonably identifying streets that serve a project.

Q. *Subsection 111.2.1* is hereby created to read as follows:

111.2.1. Notwithstanding the foregoing, no certificate of occupancy or completion shall be issued unless and until all Orange County and/or other applicable agency holds have been released.

R. *Section 114* is hereby created to read as follows:

Section 114. Violations.

114.1 Unlawful acts. It shall be unlawful for any person, firm, company, corporation, or any other entity to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this Code.

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114.2 Notice of violation. The building official or a designee is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and abatement of the violation.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official or a designee is authorized to request that the county institute the appropriate proceeding by law or in equity to prosecute, restrain, correct, and/or abate such violation. The building official or a designee may require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.4 Violation; penalties. Any violation of this Code shall be subject to prosecution in accordance with the law including, but not limited to, the provisions of Section 1-9 of the Orange County Code.

S. *Section 115.2* is hereby deleted and recreated to read as follows:

115.2. Issuance. The stop work order shall be in writing and shall be posted on the property or given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists, as determined by the building official, the building official shall not be required to

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give a written notice prior to stopping the work.

T. *Section 116* is hereby created to read as follows:

Section 116. Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical, or plumbing systems (i) which are unsafe, unsanitary, or do not provide adequate egress; or (ii) which constitute a fire hazard or are otherwise dangerous to human life; or (iii) which, in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems; or (iv) were constructed without obtaining applicable permits in accordance with this chapter. All such unsafe buildings, structures, or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Orange County Code or other local ordinance.

U. *Section 202* is hereby amended to add the following definitions to read as follows:

Storable swimming or wading pool means those that are constructed on or above the ground and are capable of holding water with a maximum depth of 42 inches (1067 mm), or a pool with nonmetallic, molded polymeric walls or inflatable fabric walls regardless of dimension.

~~U. *Section 1612.3.1*, item 3, is hereby created to read as follows:~~

~~3. Any such submissions required by the building official shall be subject to review and approval by the Orange County Public Works Department.~~

~~V. *Subsection 1612.4* is hereby deleted and recreated to read as follows:~~

~~1612.4. Design and construction. The design and construction of buildings and~~

716 structures located in flood hazard areas,
including flood hazard areas subject to high-
718 velocity wave action, shall be in accordance
with Chapter 5 of ASCE 7, ASCE 24, and
Chapter 19 of the Orange County Code.

720 W. Section 1804.5, item 5, is hereby
created to read as follows:

722 5. Unless acceptable compensating
storage area is provided.

724 (c) Technical Amendments. The Code is hereby
amended as follows:

726 A. Section 202 is amended to read as follows:

728 **SUBSTANTIAL DAMAGE.** Damage of
any origin sustained by a structure whereby
the cost of restoring the structure to its
730 before-damaged condition would equal or
exceed 50 percent of the market value of the
732 structure before the damage occurred. The
term also includes flood-related damage
734 sustained by a structure on two separate
occasions during a 10-year period for which
736 the cost of repairs at the time of each such
flood event, on average, equals or exceeds
738 25 percent of the market value of the
structure before the damage occurred.

740 **SUBSTANTIAL IMPROVEMENT.** Any
combination of repair, reconstruction,
742 rehabilitation, alteration, addition or
improvement of a building or structure
744 taking place during the life of the building or
structure, the cumulative cost of which
746 equals or exceeds 50 percent of the market
value of the structure before the
748 improvement or repair is started. The period
of accumulation begins when the first
750 improvement or repair of each building or
structure is permitted subsequent to
752 September 22, 2009. If the structure has
sustained substantial damage, any repairs are

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considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

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

B. Section 1612 is amended to modify and add subsections as follows:

1612.3.1 Design flood elevations. Design flood elevations and flood hazard areas shall be established in accordance with Chapter 19, Article I, Division 5 and Section 34-228 of the Orange County Code. Where design flood elevations are not included in the flood hazard areas established in Section 1612.3, or where floodways are not designated, the building official is authorized to require the applicant to:

- ~~1. Obtain and reasonably utilize any design flood elevation and floodway data available from a federal, state, or other source; or Determine the design flood elevation and/or floodway in accordance with accepted hydrologic and hydraulic engineering practices used to define special flood hazard areas.~~
- ~~2. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice.~~

1612.4.3 Critical facilities. The minimum elevation requirements for critical facilities, as defined in Chapter 19 of the County Code, shall be at or above the base flood elevation plus two (2) feet or the elevation required by the Florida Building Code, whichever is higher.

Sec. 9-34. Wind speed requirements.

The basic wind speed requirements for Orange County are established pursuant to (i) Section 1609.3 and Figures 1609A, 1609B, and 1609C of the Florida Building Code, Building and (ii) Section 301.2.1 of the Florida Building Code, Residential. The aforementioned references shall be kept on file at the Orange County Division of Building Safety and may be accessed online through the Orange County Infomap link.

DIVISION 2. RESIDENTIAL

Sec. 9-35. Florida Building Code, Residential, adopted.

(a) Subject to the administrative and technical amendments set forth in subsection (b) below, the Florida Building Code, Residential, Seventh Edition [the "Residential Code"] as it may be amended from time to time, shall be the governing law relative to residential building standards in Orange County, Florida. ~~Floodplain provisions shall be governed and enforced in accordance with this Residential Code and Chapter 19 ("Floodplain Management") of the Orange County Code. In the case of any apparent conflict between the floodplain regulations set forth in this chapter and those in Chapter 19, the more restrictive provisions shall control.~~

(b) The Florida Building Code, Residential, Seventh Edition is hereby amended as follows:

A. *Section R101.2.1* is hereby deleted and recreated to read as follows:

R101.1. Scope. The provisions of Chapter 1, Florida Building Code, Building, as amended by Section 9-33(b) of the Orange County Code, shall govern the administration and enforcement of the Florida Building Code, Residential.

B. *Section R322.1.4* is amended to read as follows:

R322.1.4 Establishing the design flood

elevation. The design flood elevation shall be used to define flood hazard areas and shall be established in accordance with Chapter 19, Article I, Division 5 and Section 34-228 of the Orange County Code. At a minimum, the design flood elevation shall be the higher of the following:

1. ~~The base flood elevation at the depth of peak elevation of flooding, including wave height, that has a 1 percent (100-year flood) or greater chance of being equaled or exceeded in any given year; or~~
2. ~~The elevation of the design flood associated with the area designated on a flood hazard map adopted by the community, or otherwise legally designated.~~

C. Section R322.2.2 is amended to read as follows:

R322.2.2 Enclosed area below design

flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

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

874 exterior door) or entry to the building
875 (stairway or elevator).

876 *Remainder unchanged*

Secs. 9-36—9-38. Reserved.

878 **DIVISION 3. EXISTING BUILDING**

Sec. 9-39. Florida Building Code, Existing Building, adopted.

880 (a) Subject to the administrative amendment set forth in
881 subsection (b) below, the Florida Building Code, Existing Building,
882 as it may be amended from time to time, shall be the governing law
relative to existing building standards in Orange County, Florida.

884 (b) The Florida Building Code, Existing Building, is
amended as follows:

886 A. Section 101.1 is amended to read as follows:

887 101.1 Scope. The provisions of Chapter 1,
888 *Florida Building Code, Building*, as amended
889 by Section 9-33(b) of the Orange County
Code, shall govern the administration and
890 enforcement of the *Florida Building Code,*
891 *Existing Building.*

892 B. Section 202 is amended to read as follows:

893 **SUBSTANTIAL DAMAGE.** For the
894 purposes of determining compliance with
895 the flood provisions of this code, damage of
any origin sustained by a structure whereby
896 the cost of restoring the structure to its
897 before-damaged condition would equal or
exceed 50 percent of the market value of the
898 structure before the damage occurred. The
900 term also includes flood-related damage
901 sustained by a structure on two separate
902 occasions during a 10-year period for which
903 the cost of repairs at the time of each such
904 flood event, on average, equals or exceeds
905 25 percent of the market value of the
906 structure before the damage occurred.
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910 **SUBSTANTIAL IMPROVEMENT.** For
the purposes of determining compliance
912 with the flood provisions of this code, any
combination of repair, reconstruction,
rehabilitation, alteration, addition or
914 improvement of a building or structure
taking place during the life of the building or
916 structure, the cumulative cost of which
equals or exceeds 50 percent of the market
918 value of the structure before the
improvement or repair is started. The period
920 of accumulation begins when the first
improvement or repair of each building or
922 structure is permitted subsequent to
September 22, 2009. If the structure has
924 sustained substantial damage, any repairs are
considered substantial improvement
926 regardless of the actual repair work
performed. The term does not, however,
928 include either:

- 930 1. Any project for improvement of a
building required to correct existing
932 health, sanitary or safety code violations
identified by the building official and
that are the minimum necessary to assure
934 safe living conditions.
- 936 2. Any alteration of a historic structure
provided that the alteration will not
938 preclude the structure's continued
designation as a historic structure.

940 **Secs. 9-40—9-50. Reserved.**

Section 3. Fiscal Impact Statement. In terms of design, plan application review,
942 construction and inspection of buildings and structures, the cost impact as an overall average is
negligible in regard to the local technical amendments because all development has been subject
944 to the requirements of the local floodplain management ordinance adopted for participation in the

946 National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

948 **Section 4. Applicability.** For the purposes of jurisdictional applicability, this ordinance shall apply in Orange County. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

952 **Section 5. Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

956 **Section 6. Effective date.** This ordinance shall become effective pursuant to general law.

ADOPTED THIS _____ DAY OF _____, 2021.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings, Mayor

966 **ATTEST:** Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

968 By: _____
970 Deputy Clerk

ORDINANCE NO. 19-

ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS AMENDING THE ORANGE COUNTY CODE OF ORDINANCES TO AMEND CHAPTER 19 FLOODPLAIN MANAGEMENT; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO AMEND CHAPTER 34 SUBDIVISION REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, confers upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Orange County, and these areas may be subject to periodic inundation, which may result in loss of life and property, create health and safety hazards, disrupt commerce and governmental services, cause extraordinary public expenditures for flood protection and relief, and impair the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, Orange County has participated in the National Flood Insurance Program (the "NFIP") since December 1, 1981; and

WHEREAS, the Board of County Commissioners desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for participation in the NFIP; and

WHEREAS, the Florida Legislature enacted Chapter 553, Florida Statutes, to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, the Board of County Commissioners has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code* regulations.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF

48 **ORANGE COUNTY, FLORIDA:**

50 **Section 1. Repeal of Section 3 of Ordinance No. 2009-24, Chapter 19, Floodplain**

Management of the Orange County Code, and replacement of Chapter 19, Floodplain

52 **Management of the Orange County Code.** This ordinance specifically repeals Section 3 of

Ordinance Number 2009-24 and replaces Orange County Code Chapter 19, Floodplain

54 Management in its entirety, as follows:

ARTICLE I

56

ADMINISTRATION

58

DIVISION 1. GENERAL

60

Sec. 19-1. Title.

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These regulations established in this chapter are to be known
64 as the *Floodplain Management Ordinance* of Orange County.

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Sec. 19-2. Scope.

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The provisions of this chapter apply to all development that
69 is wholly within or partially within any flood hazard area, including but
70 not limited to the subdivision of land; filling, grading, and other site
71 improvements and utility installations; construction, alteration,
72 remodeling, enlargement, improvement, replacement, repair,
73 relocation or demolition of buildings, structures, and facilities that are
74 exempt from the *Florida Building Code*; placement, installation, or
75 replacement of manufactured homes and manufactured buildings;
76 installation or replacement of tanks; placement of recreational vehicles;
77 installation of swimming pools; and any other development.

78

Sec. 19-3. Intent.

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The purposes of this chapter and the flood load and flood
81 resistant construction requirements of the *Florida Building Code* are
82 to establish minimum requirements to safeguard the public health,
83 safety, and general welfare, and to minimize public and private

84

86 losses due to flooding through regulation of development in flood
hazard areas to:

88 a. Minimize unnecessary disruption of commerce,
access and public service during times of flooding;

90 b. Require the use of appropriate construction practices
in order to prevent or minimize future flood damage;

92 c. Manage filling, grading, dredging, mining, paving,
excavation, drilling operations, storage of equipment or materials,
94 and other development that may increase flood damage or erosion
potential;

96 d. Manage the alteration of flood hazard areas,
watercourses, and shorelines to minimize the impact of development
on the natural and beneficial functions of the floodplain;

98 e. Minimize damage to public and private facilities and
utilities;

100 f. Help maintain a stable tax base by providing for the
sound use and development of flood hazard areas;

102 g. Minimize the need for future expenditure of public
funds for flood control projects and response to and recovery from
104 flood events; and

106 h. Meet the requirements of the National Flood
Insurance Program ("NFIP") for community participation as set
forth in Section 59.22 of Title 44 of the Code of Federal Regulations.

108 **Sec. 19-4 Coordination with the *Florida Building Code*.**

110 This chapter is intended to be administered and enforced in
112 conjunction with the *Florida Building Code*.

114 **Sec. 19-5. Definitions.**

116 Unless otherwise expressly stated, the following words and
terms, for the purposes of this chapter, have the meanings set forth
118 in this section. Where terms are not defined in this chapter and are
defined in the *Florida Building Code*, such terms have the meanings
120 ascribed to them in that code. Where terms are not defined in this
chapter or the *Florida Building Code* nor Section 1-2 of the Code,
122 such terms shall have ordinarily accepted meanings such as the
context implies.

124 *Accessory structure or use* means a subordinate structure
126 situated on the same lot or parcel as the principal structure, or a

128 subordinate use of land, and which the structure or use is
130 customarily incidental to and typically found in association with the
132 principal structure or use. Factors to be considered in determining
134 whether a structure or use is "subordinate" and "customarily
136 incidental" include the size of the lot or parcel, the uses of adjacent
138 lots or parcels, and the size, shape, height, and roof type (if any) of
the building or structure. Accessory structures should constitute a
minimal investment, may not be used for human habitation, and
must be designed to have minimal flood damage potential.
Examples of accessory structures are carports, storage sheds, pole
barns, and hay sheds.

140 *Adversely affected* means likely damage to adjacent
142 properties because of rises in flood stages attributed to physical
144 changes of the channel and the adjacent overbank areas. Without
146 limiting the foregoing, a development is presumed to adversely
148 affect the flood-carrying and flood-storage capacities of the
floodplain if it proposes or requires the filling of land in an area of
special flood hazard without simultaneously providing additional
flood-carrying and flood-storage capacities to compensate for that
capacity which is lost because of such filling.

150 *Agricultural structures* means a walled and roofed structure
152 used exclusively for agricultural purposes or uses in connection with
154 the production, harvesting, storage, raising, or drying of agricultural
156 commodities and livestock, including aquatic organisms. Structures
that house tools or equipment used in connection with these
purposes or uses are also considered to have agricultural purposes
or uses.

158 *Alteration of a watercourse* means a dam, impoundment,
160 channel relocation, change in channel alignment, channelization, or
162 change in cross-sectional area of the channel or the channel
capacity, or any other form of modification, which may alter,
impede, retard or change the direction or velocity of the riverine
flow of water during conditions of the base flood.

164 *Appeal* means a request for an administrative review of the
166 Floodplain Administrator's interpretation of any provision of this
168 chapter, or a request for subsequent review of the decision of the
170 DRC relating to the review of an interpretation of the Floodplain
Administrator, or the request for judicial review of the decision of
the Board of County Commissioners relating to the interpretation of
the Floodplain Administrator.

172 *ASCE 24* means the standard titled *Flood Resistant Design*

174 *and Construction* that is referenced by the *Florida Building Code*.
ASCE 24 is developed and published by the American Society of
176 Civil Engineers, Reston, VA. Where cited, ASCE 24 refers to the
edition of the standard referenced by the *Florida Building Code*.

178 *Base flood* means a flood having a 1-percent chance of being
equaled or exceeded in any given year. [This term is also defined in
180 *FBC*, B, Section 202.] The base flood is commonly referred to as
the "100-year flood" or the "1-percent-annual chance flood."

182 *Base flood elevation* means the elevation of the base flood,
including wave height, relative to the National Geodetic Vertical
184 Datum (NGVD), North American Vertical Datum (NAVD) or other
datum specified on the Flood Insurance Rate Map (FIRM). [This
186 term is also defined in *FBC*, B, Section 202.]

188 *Basement* means the portion of a building having its floor
subgrade (below ground level) on all sides. [This term is also
190 defined in *FBC*, B, Section 202; see "Basement (for flood loads)".]

192 *Compensating storage* means the equivalent physical
194 replacement of natural floodwater storage volumes that would be
displaced in areas of special flood hazard due to development.

196 *Critical facility* means all or any portion of an integral and
readily identifiable facility such as a school, nursing home, hospital,
198 police, fire, or emergency response installation, penal institution,
200 installation that produces, uses or stores hazardous materials or
hazardous waste, or any other facility that would potentially create
202 a danger to the public health, safety, or welfare if the facility was
compromised by flooding.

204 *Design flood* means the flood associated with the greater of the
206 following two areas:

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

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

212 *Design flood elevation* means the elevation of the "design
flood," including wave height, relative to the datum specified on the
214 community's legally designated flood hazard map. In areas
designated as Zone AO, the design flood elevation shall be the
216 elevation of the highest existing grade of the building's perimeter

218 plus the depth number (in feet) specified on the flood hazard map.
219 In areas designated as Zone AO where the depth number is not
220 specified on the map, the depth number must be taken as being equal
to 2 feet. [This term is also defined in *FBC*, B, Section 202.]

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

228 *DRC* means the Development Review Committee as defined
229 in Section 34-5.

232 *Encroachment* means the placement of fill, excavation,
233 buildings, permanent structures or other development into a flood
234 hazard area that may impede or alter the flow capacity of riverine
flood hazard areas.

236 *Existing building* and *existing structure* means any buildings
237 and structures for which the "start of construction" commenced
238 before December 1, 1981. [These terms are also defined in *FBC*, B,
239 Section 202.]

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

246 *Flood* or *flooding* means a general and temporary condition
247 of partial or complete inundation of normally dry land from:

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

252 *Flood damage-resistant materials* means any construction
253 material capable of withstanding direct and prolonged contact with
254 floodwaters without sustaining any damage that requires more than
cosmetic repair. [This term is also defined in *FBC*, B, Section 202.]

256 *Flood hazard area* means the greater of the following two
257 areas:

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

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

264 *Flood Insurance Rate Map (FIRM)* means the official map
266 of the County on which FEMA has delineated both special flood
hazard areas and the risk premium zones applicable to the
268 community. [This term is also defined in *FBC*, B, Section 202.]

270 *Flood Insurance Study (FIS)* means the official report
provided by FEMA that contains the FIRM, the Flood Boundary and
272 Floodway Map (if applicable), the water surface elevations of the
base flood, and supporting technical data. [This term is also defined
274 in *FBC*, B, Section 202.]

276 *Floodplain Administrator* means the office or position
designated under Section 19-21 and charged with the administration
278 and enforcement of this chapter (may be referred to as the
Floodplain Manager).

280 *Floodplain development permit or approval* means an
282 official document or certificate issued by the County, or other
evidence of approval or concurrence, which authorizes performance
284 of specific development activities that are located in flood hazard
areas and that are determined to be compliant with this chapter.

286 *Floodway* means the channel of a river or other riverine
288 watercourse and the adjacent land areas that must be reserved in
order to discharge the base flood without cumulatively increasing
290 the water surface elevation more than one (1) foot. [This term is also
defined in *FBC*, B, Section 202.]

292 *Floodway encroachment analysis* means an engineering
294 analysis of the impact that a proposed encroachment into a floodway
is expected to have on the floodway boundaries and base flood
296 elevations; the evaluation must be prepared by a qualified Florida
licensed engineer using standard engineering methods and models.

298 *Florida Building Code (FBC)* means the family of codes
300 adopted by the Florida Building Commission, including: *Florida*
Building Code, Building; *Florida Building Code, Residential*;
302 *Florida Building Code, Existing Building*; *Florida Building Code,*
Mechanical; *Florida Building Code, Plumbing*; *Florida Building*

304 *Code, Fuel Gas.*

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

314 *Hardship (as related to variances of this chapter)* means the
316 exceptional difficulty associated with the land that would result
318 from a failure to grant the requested variance. A hardship must be
320 exceptional, unusual, and peculiar to the property involved. Mere
322 economic or financial hardship alone is not exceptional, unusual or
324 peculiar. Inconvenience, aesthetic considerations, physical
handicaps, personal preferences, or the disapproval of one's
neighbors likewise cannot, as a rule, qualify as a hardship. All of
these problems can be resolved through other means without
granting a variance, even if the alternative is more expensive, or
requires the property owner to build elsewhere or put the parcel to a
different use than originally intended.

326 *Highest adjacent grade* means the highest natural elevation
328 of the ground surface prior to construction next to the proposed walls
or foundation of a structure.

330 *Historic structure* means any structure that is determined
332 eligible for the exception to the flood hazard area requirements of
the *Florida Building Code, Existing Building*, Chapter 12 Historic
Buildings.

334 *Letter of Map Change (LOMC)* means an official
336 determination issued by FEMA that amends or revises an effective
FIRM or Flood Insurance Study. Letters of Map Change include:

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

346 (2) *Letter of Map Revision (LOMR)* that means a revision
348 based on technical data that may show changes to flood

350 zones, flood elevations, special flood hazard area
boundaries and floodway delineations, and other
352 planimetric features.

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

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

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

- 376
- 378 (1) Designed primarily for purposes of transportation of
property or is a derivation of such a vehicle, or
 - 380 (2) Designed primarily for transportation of persons and
has a capacity of more than 12 persons; or
 - 382 (3) Available with special features enabling off-street or
off-highway operation and use.

384 *Lowest floor* means the lowest floor of the lowest enclosed
area of a building or structure, including basement, but excluding
any unfinished or flood-resistant enclosure, other than a basement,
386 usable solely for vehicle parking, building access or limited storage
provided that such enclosure is not built so as to render the structure
388 in violation of the non-elevation requirements of the *Florida
Building Code* or ASCE 24. [This term is also defined in *FBC*, B,
390 Section 202.]

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

400 *Manufactured home park or subdivision* means a parcel (or
402 contiguous parcels) of land divided into two or more manufactured
404 home lots for rent or sale.

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

418 *New construction* means, for the purposes of administration
420 of this chapter and the flood resistant construction requirements of
422 the *Florida Building Code*, structures for which the "start of
 construction" commenced on or after December 1, 1981, and
 includes any subsequent improvements to such structures.

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

430 *Recreational vehicle* means a vehicle, including a park
432 trailer, which is: [see in section 320.01, F.S.)

(1) Built on a single chassis;

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

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

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

442 *Special flood hazard area* means an area in the floodplain
subject to a 1 percent or greater chance of flooding in any given year.
Special flood hazard areas are shown on FIRMs as Zone A, AO,
444 A1-A30, AE, A99, AH, V1-V30, VE or V. [This term is also defined
in *FBC*, B Section 202.]

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

456 Permanent construction does not include land preparation (such as
458 clearing, grading, or filling), the installation of streets or walkways,
excavation for a basement, footings, piers, or foundations, the
460 erection of temporary forms or the installation of accessory
buildings such as garages or sheds not occupied as dwelling units or
462 not part of the main buildings. For a substantial improvement, the
actual "start of construction" means the first alteration of any wall,
464 ceiling, floor or other structural part of a building, whether or not
that alteration affects the external dimensions of the building. [This
466 term is also defined in *FBC*, B Section 202.]

468 *Substantial damage* means damage of any origin sustained
by a building or structure whereby the cost of restoring the building
470 or structure to its before-damaged condition would equal or exceed
50 percent of the market value of the building or structure before the
472 damage occurred. The term also includes flood-related damage
sustained by a structure on two separate occasions during a 10-year
474 period for which the cost of repairs at the time of each such flood
event, on average, equals or exceeds 25 percent of the market value
476 of the structure before the damage occurred. [This term is also
defined in *FBC*, B Section 202.]

478 *Substantial improvement* means any combination of repair,

480 reconstruction, rehabilitation, alteration, addition, or other
482 improvement of a building or structure taking place during the life
484 of the building or structure, the cumulative cost of which equals or
486 exceeds 50 percent of the market value of the building or structure
488 before the improvement or repair is started. The period of
490 accumulation begins when the first improvement or repair of each
building or structure is permitted subsequent to September 22, 2009.
If the structure has incurred "substantial damage," any repairs are
considered substantial improvement regardless of the actual repair
work performed. The term does not, however, include either:

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

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

500 *Variance* means a grant of relief from the requirements of
502 this chapter, or the flood resistant construction requirements of the
Florida Building Code, which permits construction in a manner that
504 would not otherwise be permitted by this chapter or the *Florida
Building Code*.

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

510 **Sec. 19-6. Warning.**

512 The degree of flood protection required by this chapter and the
514 *Florida Building Code*, as may be amended from time to time by the
Board of County Commissioners, is considered the minimum
reasonable for regulatory purposes and is based on scientific and
516 engineering considerations. **Larger floods can and will occur.** Flood
heights may be increased by man-made or natural causes. This chapter
518 does not imply that land outside of mapped special flood hazard areas,
or that uses permitted within such flood hazard areas, will be free from
flooding or flood damage. The flood hazard areas and base flood
520 elevations contained in the Flood Insurance Study and shown on
FIRMs and the requirements of Sections 59 and 60 of Title 44 of the
522 Code of Federal Regulations may be revised by FEMA requiring the
County to revise these regulations to remain eligible for
524 participation in the NFIP. No guaranty of vested use, existing use,

526 or future use is implied or expressed by compliance with this
chapter.

528 **Sec. 19-7. Disclaimer of Liability.**

530 This chapter shall not create liability on the part of the
532 County, its Board of County Commissioners, or by any officer or
employee of the County for any flood damage that results from
534 reliance on this chapter or any administrative decision lawfully
made pursuant to this chapter.

536 **Secs. 19-8—19-10. Reserved.**

538 **DIVISION 2. APPLICABILITY**

540 **Sec. 19-11. General.**

542 Where there is a conflict between a general requirement and
544 a specific requirement of this chapter, the specific requirement is
applicable.

546 **Sec. 19-12. Areas to which this chapter applies.**

548 This chapter applies to all flood hazard areas, as established
550 in Section 19-13, within the unincorporated areas of Orange County.

552 **Sec. 19-13. Basis for establishing flood hazard areas.**

554 The Flood Insurance Study for Orange County, Florida and
556 Incorporated Areas dated June 20, 2018, and all subsequent
amendments and revisions, and the accompanying FIRMs, and all
558 subsequent amendments and revisions to FIRMs, are adopted by
reference as a part of this chapter and serve as the minimum basis
560 for establishing flood hazard areas. Studies and maps that establish
flood hazard areas are on file at the Orange County Public Works
Department.

562 **Sec. 19-14. Submission of additional data to establish flood
564 hazard areas.**

566 To establish flood hazard areas and base flood elevations,
568 pursuant to Article I, Division 5 of this chapter, the Floodplain
Administrator may require submission of additional data. Where
570 field surveyed topography prepared by a Florida licensed
professional surveyor or digital topography accepted by the

community indicates that ground elevations:

572 (1) Are below the closest applicable base flood
574 elevation, even in areas not delineated as a special flood hazard area
576 on a FIRM, the area must be considered as flood hazard area and
subject to the requirements of this chapter and, as applicable, the
requirements of the *Florida Building Code*.

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

584 **Sec. 19-15. Other laws.**

The provisions of this chapter do not nullify any provisions
586 of local, state or federal law, except as set forth in Section 19--16.
Specifically:

588 (1) This chapter is cumulative and supplemental to other
590 existing county regulations. Where this chapter and the regulations
592 contained herein conflict, overlap, or are inconsistent with any other
county ordinance or regulation, whichever ordinance or regulation
imposes the more stringent restriction shall prevail.

594 (2) Receipt of a floodplain development permit or
596 approval from the Floodplain Administrator does not relieve the
598 permittee from compliance with any other applicable Code
600 provisions including, but not limited to, article VI, pumping and
dredging control, and article X, conservation ordinance, of chapter
15 of the Code, or from obtaining all other applicable local permits.

602 **Sec. 19-16. Abrogation and greater restrictions.**

604 This chapter supersedes any ordinance in effect for
606 management of development in flood hazard areas. However, this
chapter is not intended to repeal or abrogate any existing ordinances
608 or regulations including but not limited to land development
regulations, zoning ordinances, stormwater management
610 regulations, or the *Florida Building Code*. In the event of a conflict
between this chapter and any other ordinance, the more restrictive
612 provision will govern. This chapter will not impair any deed
restriction, covenant, or easement, but any land that is subject to
such interests will also be governed by this chapter.

614 **Sec. 19-17. Interpretation.**

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In the interpretation and application of this chapter, all provisions must be:

- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body;
- and
- (3) Deemed neither to limit nor repeal any other powers granted to the County under state statutes.

Secs. 19-18—19-20. – Reserved.

DIVISION 3. – DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR.

Sec. 19-21. Designation.

The Director of Public Works is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

Sec. 19-22. General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this chapter. The Floodplain Administrator has the authority to render interpretations of this chapter consistent with the intent and purpose of this chapter and may establish policies and procedures in order to clarify the application of its provisions. Interpretations, policies, and procedures must not have the effect of waiving requirements specifically provided in this chapter without the granting of a variance pursuant to Article I, Division 7 of this chapter.

Sec. 19-23. Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the County, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this chapter;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person

658 contesting the determination must have the opportunity to appeal the
interpretation;

- 660 (4) Provide available flood elevation and flood hazard information;
- 662 (5) Determine whether additional flood hazard data must be obtained
from other sources or must be developed by an applicant;
- 664 (6) Review applications to determine whether proposed development
will be reasonably safe from flooding;
- 666 (7) Coordinate requests for changes to the FIS or FIRM with the
requester and FEMA;
- 668 (8) Participate and provide recommendations in public hearings for
variances to this chapter and the flood provisions of the *Florida
Building Code*;
- 670 (9) Issue floodplain development permits or approvals for development
672 other than buildings and structures that are subject to the *Florida
Building Code*, including buildings, structures and facilities exempt
674 from the *Florida Building Code*, when compliance with this chapter
is demonstrated, or disapprove the same in the event of
noncompliance; and
- 676 (10) Coordinate with and provide comments to the Building
678 Official to assure that applications, plan reviews, and inspections for
buildings and structures in flood hazard areas comply with the
applicable provisions of this chapter.

680 **Sec. 19-24 Substantial improvement and substantial damage**
682 **determinations.**

684 For applications for building permits to improve buildings
and structures, including alterations, movement, enlargement,
686 replacement, repair, change of occupancy, additions, rehabilitations,
renovations, substantial improvements, repairs of substantial
688 damage, and any other improvement of or work on such buildings
and structures, the Floodplain Administrator, in coordination with
690 the Building Official, shall:

- 692 (1) Estimate the market value, or require the applicant to
obtain an appraisal of the market value prepared by a qualified
694 independent appraiser, of the building or structure before the start of
construction of the proposed work; in the case of repair, the market
696 value of the building or structure must be the market value before
the damage occurred and before any repairs are made;

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

704 (3) Determine and document whether the proposed work
constitutes substantial improvement or repair of substantial damage;
706 the determination requires evaluation of previous permits issued for
improvements and repairs as specified in the definition of
708 "substantial improvement," and for proposed work to repair damage
caused by flooding, the determination requires evaluation of
710 previous permits issued to repair flood-related damage as specified
in the definition of "substantial damage;" and
712

714 (4) Notify the applicant if it is determined that the work
constitutes substantial improvement or repair of substantial damage
and that compliance with the flood resistant construction
716 requirements of the *Florida Building Code* and this chapter is
required.
718

**Sec. 19-25. Modifications of the strict application of the
720 requirements of the *Florida Building Code*.**

722 The Floodplain Administrator shall review requests
submitted to the Building Official that seek approval to modify the
724 strict application of the flood load and flood resistant construction
requirements of the *Florida Building Code* to determine whether
726 such requests require the granting of a variance pursuant to Article
I, Division 7 of this chapter.
728

Sec. 19-26. Notices and orders.

730 The Floodplain Administrator shall coordinate with
732 appropriate local agencies for the issuance of all necessary notices
or orders to ensure compliance with this chapter.
734

Sec. 19-27. Inspections.

736 The Floodplain Administrator shall make the required
738 inspections as specified in Article I, Division 6 of this chapter for
development that is not subject to the *Florida Building Code*,
740 including buildings, structures and facilities exempt from the
Florida Building Code. The Floodplain Administrator shall inspect
742 flood hazard areas to determine if development is undertaken
without issuance of a permit.

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Sec. 19-28. Other duties of the Floodplain Administrator.

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Other duties of the Floodplain Administrator include, but are not limited to:

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(1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 19-24;

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(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, or other State office to which the duties of the State Floodplain Management Office may be transferred, and submit copies of such notifications to FEMA;

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(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the FIRMs if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions must be made within six months of such data becoming available;

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(4) Review required design certifications and documentation of elevations specified by this chapter and the *Florida Building Code* to determine that such certifications and documentations are complete; and

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(5) Notify FEMA when the boundaries of Orange County are modified.

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Sec. 19-29. Floodplain management records.

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Regardless of any limitation on the period required for retention of public records under State law, the Floodplain Administrator must maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter and the flood resistant construction requirements of the *Florida Building Code*, including FIRMs; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required

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788 design certifications and documentation of elevations specified by
the *Florida Building Code* and this chapter; notifications to adjacent
790 communities, FEMA, and the state related to alterations of
watercourses; assurances that the flood carrying capacity of altered
792 watercourses will be maintained; documentation related to appeals
and variances, including justification for issuance or denial; and
794 records of enforcement actions taken pursuant to this chapter and
the flood resistant construction requirements of the *Florida Building
Code*. These records must be available for public inspection at the
796 Orange County Public Works Department.

798 **Secs. 19-30. – Reserved.**

800 **DIVISION 4. PERMITS.**

802 **Sec. 19-31. Permits required; fee.**

804
806 (1) Any owner or owner's authorized agent (hereinafter
"applicant") who intends to undertake any development activity
808 within the scope of this chapter, including buildings, structures and
facilities exempt from the *Florida Building Code*, which is wholly
810 within or partially within any flood hazard area must first make
application to the Floodplain Administrator, and the Building
812 Official if applicable, and must obtain the required permit(s) and
approval(s). No such permit or approval may be issued until
814 compliance with the requirements of this chapter and all other
applicable codes and regulations has been satisfied.

816 (2) Whenever a floodplain development permit or
approval is required by this chapter, a fee must be paid at the time of
818 filing the application for such permit or approval, as determined by
resolution of the Board of County Commissioners from time to time.

820 **Sec. 19-32. Floodplain development permits or approvals.**

822 Floodplain development permits or approvals will be issued
pursuant to this chapter for any development activities not subject to
824 the requirements of the *Florida Building Code*, including buildings,
structures and facilities exempt from the *Florida Building Code*.
826 Depending on the nature and extent of proposed development that
includes a building or structure, the Floodplain Administrator may
828 determine that a floodplain development permit or approval is required
in addition to a building permit. The conditions and plans attached to
830 the floodplain development permit will become part of the building
permit. The Floodplain Administrator must issue or deny an

832 application for floodplain development permits or approvals within
834 fourteen (14) days from receipt of completed applications unless a
technical justification or additional information is required.

836 **Sec. 19-33. Buildings, structures and facilities exempt from**
838 **the *Florida Building Code*.**

840 Pursuant to the requirements of federal regulation for
842 participation in the NFIP (44 C.F.R. Sections 59 and 60), floodplain
844 development permits or approvals are required for the following
buildings, structures and facilities that are exempt from the *Florida
Building Code* and any further exemptions provided by law, which
are subject to the requirements of this chapter:

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

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

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

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

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

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

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

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

870 (9) Structures identified in section 553.73(10)(k), F.S., are
not exempt from the *Florida Building Code* if such structures are

872 located in flood hazard areas established on Flood Insurance Rate
873 Maps.

874 **Sec. 19-34. Application for a permit or approval.**

875 To obtain a floodplain development permit or approval the
876 applicant must first file an application in writing on a form furnished
877 by the County. The information provided must :

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

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

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

886 (4) Be accompanied by a site plan or construction
887 documents as specified in Article I, Division 5 of this chapter.

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

889 (6) Be signed by the applicant and the applicant's
890 authorized agent (if the applicant is represented by an agent).

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

893 **Sec. 19-35. Validity of permit or approval.**

894 The issuance of a floodplain development permit or approval
895 pursuant to this chapter may not be construed to be a permit for, or
896 approval of, any violation of this chapter, the *Florida Building*
897 *Codes*, or any other ordinance of this community. The issuance of
898 permits based on submitted applications, construction documents,
899 and information may not prevent the Floodplain Administrator from
900 requiring the correction of errors and omissions.

901 **Sec. 19-36. Expiration.**

902 A floodplain development permit or approval will become
903 invalid unless the work authorized by such permit is commenced
904 within 180 days after its issuance, or if the work authorized is
905 suspended or abandoned for a period of 180 days after the work

910 commences. Extensions for periods of not more than 180 days each
912 may be requested. Requests for extensions must be in writing, and
may be issued only if justifiable cause is demonstrated.

914 **Sec. 19-37. Suspension or revocation.**

916 The Floodplain Administrator is authorized to suspend or
918 revoke a floodplain development permit or approval if the permit
was issued in error, on the basis of incorrect, inaccurate or
920 incomplete information, or in violation of this chapter or any other
ordinance, regulation or requirement of the County related to the
922 development.

Sec. 19-38. Other permits required.

924 Floodplain development permits and building permits must
include a condition that all other applicable local, state or federal
926 permits be obtained before commencement of the permitted
development, including but not limited to the following:

928 (1) The St. Johns River Water Management District or
930 South Florida Water Management District; section 373.036, F.S.

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

934 (3) Florida Department of Environmental Protection for
936 activities that affect wetlands and alter surface water flows, in
conjunction with the U.S. Army Corps of Engineers; Section 404 of
the Clean Water Act, or under its jurisdiction pursuant to part IV of
938 Chapter 373, F.S.

(4) Federal permits and approvals.

940 **Secs. 19-39—19-40. – Reserved.**

942 **DIVISION 5. SITE PLANS AND CONSTRUCTION**
944 **DOCUMENTS.**

946 **Sec. 19-41. Information for development in flood hazard**
948 **areas.**

950 The site plan or construction documents for any
development subject to the requirements of this chapter must be

952 drawn to scale and must include, as applicable to the proposed
development:

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

956 (2) Where base flood elevations or floodway data are not
958 included on the FIRM or in the FIS, they must be established in
accordance with Section 19-42(2).

960 (3) Where the parcel on which the proposed
development will take place will have more than 50 lots or is larger
962 than 5 acres and the base flood elevations are not included on the
FIRM or in the FIS, such elevations must be established in
accordance with Section 19-42(1).

964 (4) Location of the proposed activity and proposed
structures, and locations of existing buildings and structures.

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

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

974 (7) Existing and proposed alignment of any proposed
alteration of a watercourse.

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

982 **Sec. 19-42. Information in flood hazard areas without base**
984 **flood elevations (approximate Zone A).**

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

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

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

998 (3) Where the base flood elevation data are to be used to
1000 support a Letter of Map Change from FEMA, advise the applicant
1002 that the analyses must be prepared by a Florida licensed engineer in
a format required by FEMA, and that it must be the responsibility of
the applicant to satisfy the submittal requirements and pay the
processing fees.

1004 **Sec. 19-43. Additional analyses and certifications.**

1006 As applicable to the location and nature of the proposed
1008 development activity, and in addition to the requirements of this
section, the applicant must have the following analyses signed and
1010 sealed by a Florida licensed engineer for submission with the site
plan and construction documents:

1012 (1) For development activities proposed to be located in
a regulatory floodway, a floodway encroachment analysis that
1014 demonstrates that the encroachment of the proposed development
will not cause any increase in base flood elevations; where the
1016 applicant proposes to undertake development activities that do
increase base flood elevations, the applicant must submit such
1018 analysis to FEMA as specified in Section 19-44 and must submit the
Conditional Letter of Map Revision, if issued by FEMA, with the
1020 site plan and construction documents.

1022 (2) For development activities proposed to be located in
a riverine flood hazard area for which base flood elevations are
1024 included in the FIS or on the FIRM and floodways have not been
designated, hydrologic and hydraulic analyses that demonstrate that
1026 the cumulative effect of the proposed development, when combined
with all other existing and anticipated flood hazard area
encroachments, will not increase the base flood elevation more than
1028 one (1) foot at any point within the County. This requirement does
not apply in isolated flood hazard areas not connected to a riverine
1030 flood hazard area or in flood hazard areas identified as Zone AO or

Zone AH.

1032 (3) For alteration of a watercourse, an engineering
1034 analysis prepared in accordance with standard engineering practices
1036 which demonstrates that the flood-carrying capacity of the altered
1038 or relocated portion of the watercourse will not be decreased or
adversely affected, and certification that the altered watercourse
must be maintained in a manner which preserves the channel's flood-
carrying capacity; the applicant must submit the analysis to FEMA
as specified in Section 19-44.

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Sec. 19-44. Submission of additional data.

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1044 When additional hydrologic, hydraulic or other engineering
1046 data, studies, and additional analyses are submitted to support an
application, the applicant has the right to seek a Letter of Map
Change from FEMA to change the base flood elevations, change
1048 floodway boundaries, or change boundaries of flood hazard areas
shown on FIRMs, and to submit such data to FEMA for such
1050 purposes. The analyses must be prepared by a Florida licensed
engineer in a format required by FEMA. Submittal requirements and
processing fees are the responsibility of the applicant.

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Secs. 19-45—19-50. – Reserved.

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DIVISION 6. INSPECTIONS.

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Sec. 19-51. General.

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1060 Development for which a floodplain development permit or
approval is required must be subject to inspection.

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Sec. 19-52. Development other than buildings and structures.

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1066 The Floodplain Administrator will inspect all development
to determine compliance with the requirements of this chapter and
the conditions of issued floodplain development permits or
approvals.

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**Sec. 19-53. Buildings, structures and facilities exempt from
the *Florida Building Code*.**

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1072

1074 The Floodplain Administrator will inspect buildings,
structures and facilities exempt from the *Florida Building Code* to
determine compliance with the requirements of this chapter and the
conditions of issued floodplain development permits or approvals.

1076

Sec. 19-54. Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection.

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Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, must submit to the Floodplain Administrator:

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

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(2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 19-42(3)(b), the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

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Sec. 19-55. Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection.

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As part of the final inspection, the owner or owner's authorized agent must submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations must be prepared as specified in Section 19-54.

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Sec. 19-56. Manufactured homes.

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The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this chapter and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor must be submitted to the Floodplain Administrator.

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Secs. 19-57—19-60. – Reserved.

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DIVISION 7. -VARIANCES AND APPEALS.

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Sec. 19-61. General.

The DRC will hear and decide on requests for appeals and applications for variances from the strict application of this chapter. Pursuant to section 553.73(5), F.S., the DRC will hear and decide on requests for appeals and applications for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. All decisions of the DRC must be in writing.

Sec. 19-62. Conduct of public hearings on variance requests; appeals to DRC.

(1) On an application for a variance or an appeal from a decision of the Floodplain Administrator, the DRC will hold a public hearing. The hearing must be held within thirty (30) days from receipt of the appeal or application unless additional information is requested, in which case the DRC will hold a hearing on the appeal or application within thirty (30) days from the receipt of the information. At the hearing any party may appear in person or by agent or attorney and present written or oral evidence.

(2) The DRC must decide an appeal from a decision of the Floodplain Administrator or a variance application within thirty (30) days after the hearing. In passing upon an appeal, the DRC may, in conformity with the terms of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from.

Sec. 19-63. Appeals to board of county commissioners.

Any appeal of a final decision of the DRC must be made to the board of county commissioners within thirty (30) days of the mailing of notice of the action of the DRC. Hand delivery of notice may be substituted for mail delivery. All appeals must be in writing and filed with the clerk to the board of county commissioners with a copy of the appeal delivered to the Floodplain Administrator within the same time frame. All written appeals must state with particularity all the grounds of appeal. The board of county commissioners will conduct a de novo hearing upon the appeal taken from the ruling of the DRC and hear the testimony of witnesses and other evidence offered by the aggrieved person and interested parties to the appeal and may in conformity with this chapter and the rules and regulations adopted thereunder, reverse, or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the DRC. Any person aggrieved by the decision of the board of county commissioners may file a petition for writ of

1164 certiorari as authorized in the manner prescribed by the state
1166 appellate rules with a court of competent jurisdiction, to review the
decision of the board of county commissioners.

1168 **Sec. 19-64. Limitations on authority to grant variances.**

1170 The DRC must base its decisions on variances on technical
1172 justifications submitted by applicants, the considerations for
issuance in Section 19-68, the conditions of issuance set forth in
1174 Section 19-69, and the comments and recommendations of the
Floodplain Administrator and the Building Official. The DRC has
1176 the right to attach such conditions as it deems necessary to further
the purposes and objectives of this chapter.

1178 **Sec. 19-65. Restrictions in floodways.**

1180 A variance may not be issued for any proposed development
1182 in a floodway if any increase in base flood elevations would result,
as evidenced by the applicable analyses and certifications required
1184 in Section 19-43.

1186 **Sec. 19-66. Historic buildings.**

1188 A variance is authorized to be issued for the repair,
improvement, or rehabilitation of a historic building that is
1190 determined eligible for the exception to the flood resistant
construction requirements of the *Florida Building Code, Existing
Building*, Chapter 12 Historic Buildings, upon a determination that
1192 the proposed repair, improvement, or rehabilitation will not preclude
the building's continued designation as a historic building and the
1194 variance is the minimum necessary to preserve the historic character
and design of the building. If the proposed work precludes the
1196 building's continued designation as a historic building, a variance
may not be granted and the building and any repair, improvement,
1198 and rehabilitation must be subject to the requirements of the *Florida
Building Code*.

1200 **Sec. 19-67. 107.6 Functionally dependent uses.**

1202 A variance is authorized to be issued for the construction or
1204 substantial improvement necessary for the conduct of a functionally
dependent use, as defined in this chapter, provided the variance
1206 meets the requirements of Section 19-65, is the minimum necessary
considering the flood hazard, and all due consideration has been
1208 given to use of methods and materials that minimize flood damage
during occurrence of the base flood.

1210

Sec. 19-68. Considerations for issuance of variances.

1212

1214

In reviewing requests for variances, the DRC must consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this chapter, and the following:

1216

1218

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

1220

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

1222

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

1224

1226

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

1228

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

1230

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

1232

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

1234

1236

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

1238

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

1240

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

1242

1244

Sec. 19-69 Conditions for issuance of variances.

1246

Variances may be issued only upon:

1248 (1) Submission by the applicant, of a showing of good
1250 and sufficient cause that the unique characteristics of the size,
configuration, or topography of the site limit compliance with any
provision of this chapter or the required elevation standards;

1252 (2) Determination by the DRC that:

1254 (a) Failure to grant the variance would result in
1256 exceptional hardship due to the physical characteristics of the land
that render the lot undevelopable; increased costs to satisfy the
requirements or inconvenience do not constitute hardship;

1258 (b) The granting of a variance will not result in
1260 increased flood heights, additional threats to public safety,
extraordinary public expense, nor create nuisances, cause fraud on
or victimization of the public or conflict with existing local laws and
ordinances; and

1262 (c) The variance is the minimum necessary, considering
the flood hazard, to afford relief;

1264 (3) Receipt of a signed statement by the applicant that
1266 the variance, if granted, must be recorded by the Floodplain
Administrator in the official records of Orange County at the sole
1268 cost of the applicant in such a manner that it appears in the chain of
title of the affected parcel of land; and

1270 (4) If the request is for a variance to allow construction
of the lowest floor of a new building, or substantial improvement of
1272 a building, below the required elevation, a copy in the record of a
written notice from the Floodplain Administrator to the applicant for
1274 the variance, specifying the difference between the base flood
elevation and the proposed elevation of the lowest floor, stating that
1276 the cost of federal flood insurance will be commensurate with the
increased risk resulting from the reduced floor elevation (up to
1278 amounts as high as \$25 for \$100 of insurance coverage), and stating
that construction below the base flood elevation increases risks to
life and property.

1280 **Secs. 19-70. Agricultural structures.**

1282 A variance is authorized to be issued for the construction or
1284 substantial improvement of agricultural structures provided the
requirements of this section are satisfied and:

1286 (1) A determination has been made that the proposed

agricultural structure:

- 1288 (a) Is used exclusively in connection with the
1290 production, harvesting, storage, raising, or drying of
1292 agricultural commodities and livestock, or storage of
1294 tools or equipment used in connection with these
1296 purposes or uses, and will be restricted to such
1298 exclusive uses.
- 1300 (b) Has low damage potential (amount of physical
1302 damage, contents damage, and loss of function).
- 1304 (c) Does not increase risks and pose a danger to public
health, safety, and welfare if flooded and contents
are released, including but not limited to the effects
of flooding on manure storage, livestock
confinement operations, liquified natural gas
terminals, and production and storage of highly
volatile, toxic, or water-reactive materials.
- (d) Complies with the wet floodproofing construction
requirements of paragraph (2), below.

(2) Wet floodproofing construction requirements.

- 1306 (a) Anchored to resist flotation, collapse, and lateral
movement.
- 1308 (b) When enclosed by walls, walls have flood openings
1310 that comply with the flood opening requirements of
ASCE 24, Chapter 2.
- 1312 (c) Flood damage-resistant materials are used below the
base flood elevation plus one (1) foot.
- 1314 (d) Mechanical, electrical, and utility equipment,
including plumbing fixtures, are elevated above the
base flood elevation plus one (1) foot.

DIVISION 8. VIOLATIONS; PENALTIES AND REMEDIES.

Sec. 19-71. Violations.

Violation of the provisions of this chapter or failure to
comply with any of its requirements, including violation of any
resolutions adopted hereunder, or of any conditions and safeguards
established in connection with the grant of a variance, may be

1326 punished as provided in section 1-9. Any person who violates any
1328 provision of this chapter, or any provision of any resolution enacted
1330 pursuant to the authority of this chapter, or allows a violation to
continue, may be prosecuted before the code enforcement board or
special master in accordance with chapter 11. Each day such
violation continues will be considered a separate offense.

1332 **Sec. 19-72. Authority.**

1334 For development that is not within the scope of the *Florida*
1336 *Building Code*, but that is regulated by this chapter and that is
1338 determined to be a violation, the Floodplain Administrator is
authorized to serve notices of violation or stop work orders to
owners of the property involved, to the owner's agent, or to the
person or persons performing the work.

1340 **Sec. 19-73. Remedies, costs, and fees.**

1342 No provision of this chapter will prevent the county from
1344 taking any other legal or equitable remedy available to it, including,
1346 without limitation, injunctive relief or revocation of any permit
involved, as is necessary to prevent or remedy any violation. Any
1348 person violating this chapter will be liable for all costs incurred by
the county in connection with the enforcement hereof, including
1350 without limitation, attorneys' fees. Fees, established by resolution of
the Board of County Commissioners, will be charged for
reinspections necessary to verify correction of a violation.

1352 **Secs. 19-74—19-90. – Reserved.**

1354 **ARTICLE II**

1356 **FLOOD RESISTANT DEVELOPMENT.**

1358 **DIVISION 1. BUILDINGS AND STRUCTURES.**

1360 **Sec. 19-91. Design and construction of buildings, structures**
1362 **and facilities exempt from the *Florida Building***
1364 ***Code*.**

1366 Pursuant to Section 19-33, buildings, structures, and facilities
1368 that are exempt from the *Florida Building Code*, including substantial
improvement or repair of substantial damage of such buildings,
structures and facilities, must be designed and constructed in
accordance with the flood load and flood resistant construction
1370 requirements of ASCE 24. Structures exempt from the *Florida*

1372 *Building Code* that are not walled and roofed buildings must comply
with the requirements of Article II, Division 8 of this chapter.

1374 **Secs. 19-92. Accessory structures.**

1376 Accessory structures are permitted below the base flood
1378 elevation provided the accessory structures are used only for
parking or storage and:

- 1380 (1) Are one-story and not larger than 600 sq. ft.
- (2) Have flood openings in accordance with Section R322.2 of
the Florida Building Code, Residential.
- 1382 (3) Are anchored to resist flotation, collapse or lateral
movement resulting from flood loads.
- 1384 (4) Have flood damage-resistant materials used below the base
flood elevation plus one (1) foot.
- 1386 (5) Have mechanical, plumbing and electrical systems,
1388 including plumbing fixtures, elevated to or above the base
flood elevation plus one (1) foot.

1390 **19-93—19-95. – Reserved.**

1392 **DIVISION 2. SUBDIVISIONS.**

1394 **Sec. 19-96. Minimum requirements.**

1396 Subdivision proposals, including proposals for
1398 manufactured home parks and subdivisions, must be reviewed to
determine that:

- 1400 (1) Such proposals are consistent with the need to
minimize flood damage and will be reasonably safe from flooding;
- 1402 (2) All public utilities and facilities such as sewer, gas,
1404 electric, communications, and water systems are located and
constructed to minimize or eliminate flood damage; and
- 1406 (3) Adequate drainage is provided to reduce exposure to
1408 flood hazards; in Zones AH and AO, adequate drainage paths must
be provided to guide floodwaters around and away from proposed
structures.

Sec. 19-97. Subdivision plats. Where any portion of

1410 proposed subdivisions, including manufactured home parks and
1412 subdivisions, lies within a flood hazard area, the following will be
required:

1414 (1) Delineation of flood hazard areas, floodway
boundaries and flood zones, and design flood elevations, as
appropriate, must be shown on preliminary plats;

1416 (2) Where base flood elevations are not included on the
1418 FIRM, base flood elevations must be established by the applicant in
accordance with currently accepted engineering practices and
approved by the Floodplain Administrator; and

1420 (3) Compliance with the site improvement and utilities
requirements of Article II, Division 3 of this chapter.

1422
Secs. 19-98—19-100. – Reserved.

1424
DIVISION 3. SITE IMPROVEMENTS, UTILITIES AND
1426 **LIMITATIONS.**

1428 **Sec. 19-101. Minimum requirements.**

1430 All proposed new development must be reviewed to
1432 determine that:

1434 (1) Such proposals are consistent with the need to
minimize flood damage and will be reasonably safe from flooding;

1436 (2) All public utilities and facilities such as sewer, gas,
electric, communications, and water systems are located and
constructed to minimize or eliminate flood damage; and

1438 (3) Adequate drainage is provided to reduce exposure to
1440 flood hazards; in Zones AH and AO, adequate drainage paths must
be provided to guide floodwaters around and away from proposed
structures.

1442
Sec. 19-102. Sanitary sewage facilities.

1444 All new and replacement sanitary sewage facilities, private
1446 sewage treatment plants (including all pumping stations and
collector systems), and on-site waste disposal systems must be
1448 designed in accordance with the standards for onsite sewage
1450 treatment and disposal systems in Chapter 64E-6, F.A.C., and ASCE
24 Chapter 7 to minimize or eliminate infiltration of floodwaters

1452 into the facilities and discharge from the facilities into flood waters,
and impairment of the facilities and systems.

1454 **Sec. 19-103. Water supply facilities.**

1456 All new and replacement water supply facilities must be
1458 designed in accordance with the water well construction standards
in Chapter 62-532.500, F.A.C., and ASCE 24 Chapter 7 to minimize
or eliminate infiltration of floodwaters into the systems.

1460 **Sec. 19-104. Limitations on sites in regulatory floodways.**

1462 No development, including but not limited to site
1464 improvements, and land disturbing activity involving fill or
regrading, may be authorized in the regulatory floodway unless the
1466 floodway encroachment analysis required in Section 19-43(1)
demonstrates that the proposed development or land disturbing
1468 activity will not result in any increase in the base flood elevation.

1470 **Sec. 19-105 Limitations on encroachments in flood hazard
areas without base flood elevations.**

1472 No encroachments, including fill materials and structures,
1474 may be located within a distance of the stream bank equal to five (5)
times the width of the stream at the top of bank or twenty (20) feet
1476 on each side from the top of bank, whichever is greater, unless an
analysis equivalent to the analysis specified in Section 19-43(2)
1478 demonstrates that such encroachment does not increase flood levels
during the occurrence of the base flood discharge.

1480 **Sec. 19-106. Limitations on placement of fill.**

1482 Subject to the limitations of this chapter, fill must be
1484 designed to be stable under conditions of flooding including rapid
rise and rapid drawdown of floodwaters, prolonged inundation, and
1486 protection against flood-related erosion and scour. In addition to
these requirements, if intended to support buildings and structures
1488 (Zone A only), fill must comply with the requirements of the *Florida
Building Code*.

1490 **Sec. 19-107. Compensatory storage.**

1492 Compensatory storage for all encroachments in special flood
1494 hazard areas must be provided in accordance with the following
requirements:

1498 (1) Compliance will be based upon a volume for volume
1500 ("cup for cup") methodology, with the volume of compensation
1502 equal to the volume of encroachment at each and every elevation
1504 (one-foot contour interval). Providing compensating storage equal
to the volume of encroachment at each elevation will provide
equivalent management for all storm events of magnitude less than
the 100-year storm event, and is intended to prevent cumulative
water quantity impacts.

1506 (2) Compensatory storage creation must occur below the
existing base flood elevation and above the predicted normal high
water elevation.

1508 (3) Compensatory storage must occur within dedicated
1510 storage areas excavated contiguous to the existing special flood
hazard area.

1512 (4) The County may approve the creation of off-site
compensatory storage areas located outside the property boundary
on a case-by-case basis.

1514 (5) The County reserves the right to enforce additional
1516 criteria upon any project that is located within what the County
1518 considers a special flood hazard area. At the County's discretion,
additional flood control measures may be required to adequately
protect upstream systems, downstream systems, or off-site
properties.

1520 (6) Floodplain encroachment must be computed for all
1522 fill placed within the special flood hazard area, or for any other
volume displacing activities, below the base flood elevation and
above the predicted Normal High Water Elevation.

1524 **Secs. 19-108—19-110. – Reserved.**

1526 **DIVISION 4. MANUFACTURED HOMES.**

1528 **Sec. 19-111. General.**

1530 All manufactured homes installed in flood hazard areas must
1532 be installed by an installer that is licensed pursuant to section
1534 320.8249, F.S., and must comply with the requirements of Chapter
1536 15C-1, F.A.C., and the requirements of this chapter. Manufactured
homes may not be permitted in regulatory floodways except in
existing manufactured home parks or subdivisions.

1538

Sec. 19-112. Foundations.

1540

All new manufactured homes and replacement
manufactured homes installed in flood hazard areas must be
installed on permanent, reinforced foundations that are designed in
accordance with the foundation requirements of the *Florida
Building Code Residential* Section R322.2 and this chapter.

1542

1544

1546

Sec. 19-113. Anchoring.

1548

All new manufactured homes and replacement
manufactured homes must be installed using methods and practices
which minimize flood damage and must be securely anchored to an
adequately anchored foundation system to resist flotation, collapse
or lateral movement. Anchoring for wind resistance must be in
accordance with the manufacturer's installation instructions and
state anchoring requirements. Methods of anchoring must meet or
exceed the following:

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(1) Over-the-top ties at each corner of the manufactured
home, with two (2) additional ties per side at intermediate locations;
if longer than fifty (50) feet, one (1) additional tie per side; and

1558

1560

(2) Frame ties at each corner of the manufactured home,
with five (5) additional ties per side at intermediate points; if longer
than fifty (5) feet, four (4) additional frame ties per side.

1562

Sec. 19-114. Elevation.

1564

Manufactured homes that are placed, replaced, or
substantially improved shall be elevated such that the bottom of the
frame is at or above 48 inches above grade or base flood elevation
plus one (1) foot, whichever is greater.

1566

1568

1570

Sec. 19-115. Enclosures.

1572

Enclosed areas below elevated manufactured homes must
comply with the requirements of the *Florida Building Code,
Residential* Section R322.2 for such enclosed areas.

1574

1576

Sec. 19-116. Utility equipment.

1578

Utility equipment that serves manufactured homes,
including electric, heating, ventilation, plumbing, and air
conditioning equipment and other service facilities, must comply

1580

1582 with the requirements of the *Florida Building Code, Residential*
Section R322.

1584 **Secs. 19-117—19-120. – Reserved.**

1586 **DIVISION 5. RECREATIONAL VEHICLES AND PARK**
1588 **TRAILERS.**

1588 **Sec. 19-121. Temporary placement.** Recreational vehicles and
1590 park trailers placed temporarily in flood hazard areas must :

1592 (1) Be on the site for fewer than 180 consecutive days;
or

1594 (2) Be fully licensed and ready for highway use, which
1596 means the recreational vehicle or park model is on wheels or jacking
1598 system, is attached to the site only by quick-disconnect type utilities
and security devices, and has no permanent attachments such as
additions, rooms, stairs, decks and porches.

Sec. 19-122. Permanent placement.

1600 Recreational vehicles and park trailers that do not meet the
1602 limitations in Section 19-121 for temporary placement must meet
1604 the requirements of Article II, Division 4 of this chapter for
manufactured homes.

1606 **Secs. 19-123—19-130. – Reserved.**

1608 **DIVISION 6. TANKS.**

1610 **Sec. 19-131. Underground tanks.**

1612 Underground tanks in flood hazard areas must be anchored
1614 to prevent flotation, collapse or lateral movement resulting from
hydrodynamic and hydrostatic loads during conditions of the design
1616 flood, including the effects of buoyancy assuming the tank is empty.

Sec. 19-132. Above-ground tanks, not elevated.

1618 Above-ground tanks that do not meet the elevation
1620 requirements of Section 19-133 must be permitted in flood hazard
1622 areas provided the tanks are anchored or otherwise designed and
constructed to prevent flotation, collapse or lateral movement
resulting from hydrodynamic and hydrostatic loads during

1624 conditions of the design flood, including the effects of buoyancy
1625 assuming the tank is empty and the effects of flood-borne debris.

1626

Sec. 19-133. Above-ground tanks, elevated.

1628

1629 Above-ground tanks in flood hazard areas must be elevated
1630 to or above the design flood elevation and attached to a supporting
1631 structure that is designed to prevent flotation, collapse or lateral
1632 movement during conditions of the design flood. Tank-supporting
1633 structures must meet the foundation requirements of the applicable
1634 flood hazard area.

1636

Sec. 19-134. Tank inlets and vents.

1638

Tank inlets, fill openings, outlets and vents must be:

1640

(1) At or above the design flood elevation or fitted with
1641 covers designed to prevent the inflow of floodwater or outflow of
1642 the contents of the tanks during conditions of the design flood; and

1642

1644

(2) Anchored to prevent lateral movement resulting
1643 from hydrodynamic and hydrostatic loads, including the effects of
1644 buoyancy, during conditions of the design flood.

1646

Secs. 19-135—19-140. – Reserved.

1648

DIVISION 7. CRITICAL FACILITIES.

1650

Sec. 19-141. Critical facilities.

1652

1653 Critical facilities must have at least one (1) access road
1654 connected to land outside the 0.2 percent annual chance (500-year)
1655 floodplain that is capable of supporting a 4,000-pound vehicle. The
1656 top of the road must be no lower than six (6) inches below the
1657 elevation of the 0.2 percent annual chance flood. Construction of
1658 new critical facilities may be permissible within special flood hazard
1659 areas if no feasible alternative sites are available. Floodproofing and
1660 sealing measures must be taken to ensure that toxic substances will
1661 not be displaced by or released into floodwaters. Access routes
1662 elevated to or above the level of the base flood elevation must be
1663 provided to all critical facilities to the extent possible.

1664

Secs. 19-142—19-150. – Reserved.

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DIVISION 8. OTHER DEVELOPMENT.

Sec. 19-151. General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this chapter or the *Florida Building Code*, must :

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 19-104 if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Sec. 19-152. Fences in regulated floodways.

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, must meet the limitations of Section 19-104.

Sec. 19-153. Retaining walls, sidewalks and driveways in regulated floodways.

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways must meet the limitations of Section 19-104.

Sec. 19-154. Roads and watercourse crossings in regulated floodways.

Roads and watercourse crossings, including roads, bridges,

1708 culverts, low-water crossings and similar means for vehicles or
1710 pedestrians to travel from one side of a watercourse to the other side,
1712 that encroach into regulated floodways must meet the limitations of
Section 19-104. Alteration of a watercourse that is part of a road or
watercourse crossing must meet the requirements of Section 19-
43(3).

1714 **Section 2. Amendment to Chapter 34, Subdivision Regulations of the Orange County**

Code. This ordinance amends Chapter 34, Subdivision Regulations, with additions shown with
1716 underlining and deletions shown with strike-through, as follows:

Sec. 34-228. Development within areas of special flood hazard.

1718 (a) All development within ~~areas of special flood~~
1720 ~~hazard areas established in Section 19-13 as delineated on the~~
~~official Federal Emergency Management Agency (FEMA) flood~~
1722 ~~insurance rate maps (FIRM) or as determined by the county~~
engineer shall comply with the following requirements:

1724 (1) Establish, to the satisfaction of the county
1726 engineer, the elevation of the base flood (one-hundred-year flood).
The elevation as approved by the county engineer shall must be
1728 clearly identified on the subdivision lot grading plans. Supporting
calculations to determine the normal high water elevation (NHWE)
1730 and base one-hundred-year flood elevation must be submitted for
review and approval by the county engineer.

1732 (2) Set the minimum lowest finished floor elevation
at least one (1) foot above the elevation of the base flood.

1734 (3) For commercial or industrial developments, dry
floodproofing in accordance with the Florida Building Code is
permitted ~~may be substituted in lieu of elevating the finished floor.~~

1736 (4) Provide compensatory compensating storage in
accordance with Section 19-107 for all floodwater displaced by
1738 development below the elevation of the one-hundred-year flood,
unless waived by the county engineer.

1740 (b) Compensating storage is to be accomplished between the
1742 normal high water of the special flood hazard area and the
estimated one-hundred-year flood elevation.

1744 (c) ~~All developments within riverine flood hazard areas shall be~~
1746 ~~designed to maintain the flood carrying capacity of the floodway~~

1748 ~~such that the base flood elevations are not increased, either~~
1750 ~~upstream or downstream. However, the county engineer may~~
1752 ~~approve an increase of up to one (1) foot in the base flood profile~~
~~if the project engineer can satisfactorily demonstrate that such~~
~~increase in the flood profile will not adversely affect upstream or~~
~~downstream property.~~

1754 **Section 3. Applicability.** For the purposes of jurisdictional applicability, this
ordinance shall apply in the unincorporated areas of Orange County. This ordinance shall apply
1756 to all applications for development, including building permit applications and subdivision
proposals, submitted on or after the effective date of this ordinance.

1758 **Section 4. Severability.** If any section, subsection, sentence, clause or phrase of this
ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision
1760 shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so
declared.

1762
1764 **Section 5. Effective Date.** This ordinance shall take effect pursuant to general law.

1766 **ADOPTED THIS ____ DAY OF _____, 20__.**

1768 **ORANGE COUNTY, FLORIDA**
By: Board of County Commissioners

1770
1772
1774 By: _____
Jerry L. Demings, County Mayor

1776
1778 **ATTEST:** Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

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By: _____
Deputy Clerk

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