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Town of Lee Little but Proud

ARTICLE EIGHT. FLOOD DAMAGE PREVENTION REGULATIONS

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SECTION 8.1 STANDARDS FOR REDUCING FLOOD HAZARDS IN THE AREA OF SPECIAL FLOOD HAZARD. The standards in the Article apply to all development within the Areas of Special Flood Hazard as shown in the Town's Flood Insurance Rate Map.

For the purposes of this section, "substantial improvement" means for a building constructed prior to the effective date of these land development regulations, any repair, reconstruction, or improvement of a building the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the improvement or repair is started or (ii) if the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" occurs which the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either (i) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to insure safe living conditions, or (ii) any alteration of a building listed on the National Register of Historic Places or the State of Florida Inventory of Historic Places.

In all areas of special flood hazard the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or later movement of the structure;
2. Mobile homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to

- minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
 8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
 9. Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of these land development regulations, shall meet the requirements of "new construction" as defined in Section 2.1.
 10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this article, shall be undertaken only if said non-conformity is not furthered, extended or replaced.

SECTION 8.2 STANDARDS FOR RESIDENTIAL CONSTRUCTION. New construction or substantial improvement of any residential structure shall have the lowest floor, including a basement as defined within Section 2.1 of these land development regulations, elevated no lower than one (1) foot above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with the standards herein.

SECTION 8.3 STANDARDS FOR NON-RESIDENTIAL CONSTRUCTION. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Structures located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this section are satisfied.

SECTION 8.4 STANDARDS FOR ELEVATED BUILDINGS. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

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- a. Provide a minimum two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
2. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.

3. Access to the enclosed areas shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

SECTION 8.5 STANDARDS FOR FLOODWAYS. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
2. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article.
3. Prohibit the placement of mobile homes, except in an existing mobile home parks or subdivisions, which existed prior to the adoption of these land development regulations. A replacement mobile home may be placed on a lot in an existing mobile home park or subdivision provided the anchoring and elevation standards established herein are met.

SECTION 8.6 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS. Located within the areas of special flood hazard, where small streams exist, but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

1. Where a perennial river stream or creek is located no encroachments, including fill material or buildings shall be

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located a distance of the stream bank equal to five (5) times the width of the stream at the top of the bank or within a distance of the stream bank equal to thirty-five (35) feet for all perennial rivers, streams or creeks, whichever is greater;

2. No encroachments, including fill material or structures shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

SECTION 8.7 STANDARDS FOR UNNUMBERED "A" ZONES. Located within the A-zone

areas of special flood hazard, area denoted with the letter "A" with no suffix, referred to as "unnumbered A zones". These are areas where special flood hazards exist but where no base flood data has been provided. The following provisions apply:

1. No encroachments, including fill material or structures shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles;
2. A minimum, no encroachments, including fill material or structures shall be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank or within a distance of the stream bank equal to thirty-five (35) feet for all perennial rivers, streams or creeks, whichever is greater;
3. New construction or substantial improvements of buildings or mobile homes shall be elevated or flood-proofed in accordance with the design standards of this article to :
 - (a) Elevate structure to one (1) foot above an elevation established in accordance with the best available data of such agencies as the Army Corps of Engineers or Water Management District; or
 - (b) At least five (5) feet above highest adjacent natural grade.

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4. For all development projects, including mobile home parks and subdivisions, greater than 5 acres or 50 lots, whichever is lesser, base flood elevation information shall be provided in accordance with this article, as part of the development proposal; and
5. Accessory or temporary structures shall be permitted as provided within this article.

SECTION 8.8 STANDARDS FOR AREAS OF SHALLOV FLOODING. The following standards apply to areas of shallow flooding located within the area of special flood hazard.

1. The lowest floor of all new construction of and substantial improvements to residential structures shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map (at least two (2) feet if no depth number is specified.)
2. The lowest floor of all new construction of and substantial improvements to non-residential structures shall:
 - a. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including

basement shall be elevated at least two (2) feet above the highest adjacent grade; or

- b. together with attendant utility and sanitary facilities be completely flood-proofed to or above the level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

SECTION 8.9 REQUIRED FLOOR ELEVATION. No new residential building may be constructed and no substantial improvement of a residential building may take place within any floodplain unless the lowest floor (including any portion of the structure below grade) of the building or improvement is elevated to one (1) foot above the base flood level.

1. Residential accessory structures shall be allowed within floodplains provided they are firmly anchored to prevent flotation.
2. Anchoring of any accessory buildings may be done by bolting the building to a concrete slab or by over-the-top ties. When bolting to a concrete slab, one-half (1/2) inch bolts six (6) feet on center with a minimum of two (2) per side with a force adequate to secure the building is required.

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SECTION 8.10 EXEMPTIONS FROM THE GENERAL STANDARDS OF THIS ARTICLE.

Structures that represent a minimal investment and that are subordinate to an accessory to the primary structure or of a temporary nature, may be exempted from the general standards of this article, and provided the following criteria are met:

1. The structure is not used for human habitation;
2. The structure is designed and constructed so as to have a low potential for damage during a flood (eg. using flood resistant materials) ;
3. The structure shall be located on the building site so as to offer the minimum resistance to the flow of floodwaters;
4. The structure is firmly anchored to prevent flotation, per the provisions of this article;
5. All electrical service, heating/cooling equipment, and other mechanical or electrical equipment is either elevated above the required elevation of this article or is flood proofed;
6. A temporary structure, such as fruit stands and construction site offices, may remain on the property for not more than one-hundred eighty (180) days if the structure is mobile, or can be made so, and is capable of being removed from the site with a minimum of four (4) hours warning. The temporary nature of the structure shall be clearly marked on the face of the permit and shall clearly show the expiration date. In addition a plan for the removal of the structure, providing contacts and the name of individuals responsible for removal of the structure shall be on file with the Land Development Regulation Administrator for a period of not less than five (5) years of issue.

SECTION 8.11 MOBILE HOME CRITERIA. Notwithstanding any other provision of

these land development regulations, no mobile home may be located within that portion of the floodplain outside of the floodway, unless the following criteria are met:

1. All mobile homes placed, or substantially improved, on individual lots or parcels, in expansions to existing mobile home parks or subdivisions, or in substantially improved mobile home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
2. All mobile homes placed or substantially improved in an existing mobile home park or subdivision must be elevated so that:
 - a. the lowest floor of the mobile home is elevated no lower than 1 foot above the level of the base flood elevation on a permanent foundation; or

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- b. The mobile home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than thirty-six (36) inches in height above grade.
- c. The mobile home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
- d. In an existing mobile home park or subdivision on which a mobile home has incurred "substantial damage" as the result of flood, any mobile home placed or substantially improved must meet the standards of this article.
- e. All recreational vehicles placed on sites must either:
 - (1) Be fully licensed and ready for highway use; or
 - (2) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of this article.
A recreational vehicle is read for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

SECTION 8.12 STABILIZATION OF SLOPES. Whenever any portion of a floodplain is filled in with fill dirt, slopes shall be adequately stabilized to withstand the erosive force of the base flood.

SECTION 8.13 SPECIAL PROVISIONS FOR SUBDIVISIONS. An applicant requesting the plat approval of a major or minor subdivision shall be informed by the Land Development Regulations Administrator of the use and condition restrictions contained within this Article and Article 5 of these land development regulations. Lands which lie within any "flood hazard area" as shown on the Federal Emergency Management

Agency, official flood maps, shall be subdivided and developed only if:

1. all such proposals are consistent with the need to minimize flood damage;
2. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and/or constructed to minimize or eliminate flood damage;
3. adequate drainage is provided so as to reduce exposure to flood hazards;

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4. new or replacement water supply systems and/or sanitary sewage systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding;
5. all preliminary subdivision plats shall identify any areas of special flood hazard and the elevation of the base flood;
6. all final subdivision plats shall identify the elevation of proposed structures and pads. If the site is filled above base flood, the final pad elevation shall be certified by a professional engineer or surveyor;
7. each lot must include a site suitable for constructing a structure in conformity with the standards of Article 7 and 8 of these land development regulations;
8. all agreements for deed, purchase agreements, leases or other contracts for sale or exchange of lots within an area of special flood hazard and all instruments conveying title to lots within an area of special flood hazard must prominently publish the following flood hazard warning in the document:

FLOOD HAZARD WARNING

This property may be subject to flooding. You should contact the Town Land Development Regulation Administrator and obtain the latest information about flood elevations and restrictions before making plans for the use of this property.

SECTION 8.14 WATER SUPPLY AND SANITARY SEWER SYSTEMS IN FLOODWAYS AND FLOODPLAINS. Whenever any portion of a proposed development is located within a floodway or floodplain the Florida Department of Health and Rehabilitative Services, Florida Department of Environmental Regulation and the Water Management District shall be informed by the subdivider that a specified area within the development lies within a floodway or floodplain. Thereafter, approval of the proposed systems by such agencies shall constitute a certification that:

1. Such water supply system is designed to minimize or eliminate infiltration of flood waters into it.
2. Such sanitary sewer system is designed to eliminate infiltration of flood waters into it and discharges from it into flood waters.

3. Any on-site sewage disposal system is located to avoid impairment to it or contamination from it during flooding.

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SECTION 8.15 ADDITIONAL DUTIES OF THE LAND DEVELOPMENT REGULATION ADMINISTRATOR RELATED TO FLOOD INSURANCE AND FLOOD CONTROL. The

Land Development Regulation Administrator shall:

1. For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on the Town's Flood Insurance Rate Map published by the Federal Emergency Management Agency:
 - a. Obtain from the applicant the elevation, which is certified by a registered professional engineer or surveyor (in relation to mean sea level) of the lowest habitable floor (including any portion of the structure below grade) of all new or substantially improved structures; and
 - b. Obtain, from the applicant for all structures that have been flood-proofed (whether or not such structures contain a portion which is below grade), the elevation, which is certified by a registered professional engineer or surveyor, (in relation to mean sea level) to which the . structure was flood proofed.
2. Notify, in riverine situations, adjacent communities, the local district office of the U.S. Army Corps of Engineers, the State of Florida National Flood Insurance Program Coordinating Office (Florida Department of Community Affairs), the Regional Planning Council and the Water Management District prior to any alteration or relocation of a watercourse and submit copies of such notification to the Federal Insurance Administrator.
3. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
4. Advise the applicant that additional federal or state permits may be required, and if specific federal or state permit requirements are known, inform applicant of such permit requirements.
5. Verify actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures are in accordance with these regulations.
6. Verify actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed are in accordance with these regulations. Include the certification by professional engineer or architect of compliance in the record of the application.
7. Decide boundaries of areas of special flood hazard where mapped boundaries conflict with actual field conditions. Such decision may be appealed in accordance with these regulations.

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8. Utilize the best available base flood elevation data for instances in which such data is not provided in accordance

with these land development regulations. Base flood elevation data shall be provided for subdivision proposals and other proposed development in excess of fifty (50) lots or five (5) acres.

9. Maintain records, available for public inspection, in the office of the Land Development Regulation Administrator

SECTION 8.16 LOCATIONS OF BOUNDARIES OF FLOODPLAIN AND FLOODWAY DISTRICTS. As used in this Article, the terms floodplain and floodway refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms in Section 2.1.

SECTION 8.17 SETBACKS FROM PERENNIAL RIVERS STREAMS AND CREEKS. In any area located outside a designated floodplain but where a perennial river stream or creek is located, no building or fill may be located within a distance of the stream bank equal to thirty-five (35) feet from perennial rivers, streams or creeks.