

CHAPTER 165 FLOODPLAIN MANAGEMENT AND DAMAGE PREVENTION**165.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

- (A) **Statutory Authorization.** The Legislature of the State of Florida has in F.S. Chapter 163 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Town of Indian River Shores, Florida does ordain as follows:
- (B) **Findings of Fact.**
- (1) The flood hazard areas of the Town of Indian River Shores are subject to periodic inundation which results in loss of life and property, health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief; and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 - (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.
- (C) **Statement of Purpose.** It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which resulting damage causes and increase in erosion or in flood heights or velocities;
 - (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters;
 - (4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
 - (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
 - (6) See also Ordinances 496 and 509.
- (D) **Objectives.** The objectives of this Ordinance are to:
- (1) Protect human life and health;
 - (2) Minimize expenditure of public money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 - (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
 - (7) Insure that potential home buyers are notified that property is in a flood area.

165.02 DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Appeal. A request for a review of the Town Building Official's interpretation of any provision of this Ordinance or a request for a variance.

Area of Shallow Flooding. A designed AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard. The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

Base Flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement. That portion of a building having its floor sub-grade (below ground level) on all sides.

Breakaway Wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building. Any structure built for support, shelter or enclosure for any occupancy or storage.

Coastal High Hazard Area. An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations or permanent storage of materials or equipment.

Elevated Building. A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

Existing Construction. Any structure for which the "start of construction" commenced before (1) the effective date of the first floodplain management code, ordinance or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard or (2) a specific date.

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

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

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Functionally Dependent Facility. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

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

Historic Structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or

preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved State program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Mangrove Stand. An assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia germinans*), red mangrove (*Rhizophora mangle*), white mangrove (*Laguncularia racemosa*) and buttonwood (*Conocarpus erectus*).

Manufactured Home. A building, transportable in one or more sections which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

Mean Sea Level. The average height of the sea for all stages of the tide and is a reference for measuring various floodplain elevations. In this Ordinance, the term is synonymous with North American Vertical Datum (NAVD).

North American Vertical Datum (NAVD). As adjusted in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction. Any structure for which the "start of construction" commenced after (1) the effective date of the first floodplain management code, Ordinance or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard or (2) a specific date. The term also includes any subsequent improvements to such structure.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Primary Frontal Dune. A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational Vehicle. A vehicle which is:

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

Reference Feature. The receding edge of a bluff or eroding frontal dune, or if such a feature is not present, the normal high-water line or the seaward line of permanent vegetation if a high-water line cannot be identified.

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

Start of Construction. (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L.

97-348). Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank or other man-made facilities or infrastructures.

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

Substantial Improvement. Any combination of repairs, reconstruction, alteration or improvements to a building taking place over a five (5) year period in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of 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 any project for improvement of a building required to comply with the existing health, sanitary or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.

Variance. Grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

Zone of Imminent Collapse. An area subject to erosion adjacent to the shoreline of an ocean, bay or lake and within a distance equal to ten (10) feet plus five (5) times the average annual long-term erosion rate for the site, measured from the reference feature.

165.03 GENERAL PROVISIONS

- (A) **Applicability.** This Ordinance shall apply to all special flood hazard areas in the Town's jurisdiction.
- (B) **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Emergency Management Agency in its The Flood Insurance Study for the Town of Indian River Shores, dated December 12, 2012, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Ordinance. See also 1990 Town Comprehensive Plan Maps 1-7, 1-8 and 1-9.
- (C) **Establishment of Development Permit.** A Development Permit shall be required in conformance with the provision of this Ordinance prior to the commencement of any development activities.
- (D) **Compliance.** No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.
- (E) **Abrogation and Greater Restrictions.** This Ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (F) **Interpretation.** In the interpretation and application of this Ordinance all provisions shall be:
- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under State statutes.
- (G) **Warning and Disclaimer of Liability.** The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions.

Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Indian River Shores or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

- (H) **Penalties for Violation.** Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred (500) dollars or imprisoned for not more than sixty (60) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Indian River Shores from taking such other lawful actions as is necessary to prevent or remedy any violation.

165.04 ADMINISTRATION

- (A) **Designation of the Town Building Official.** The Town Building Official is hereby appointed to administer and implement the provisions of this Ordinance.
- (B) **Permit Procedures.** Application for a Development Permit shall be made to the Town Building Official on forms furnished by him or her prior to any development activities and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question and existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities and the location of the foregoing. Specifically, the following information is required:
- (1) **During Application Stage.**
 - (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
 - (b) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
 - (c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Section 165.05 (B) (2);
 - (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
 - (2) **During Construction Stage.** Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or instances where the building is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Town Building Official a certification of the elevation of the lowest floor, flood-proofed elevation or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Town Building Official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
- (C) **Duties and Responsibilities of Town Building Official.** Duties of the Town Building Official shall include, but not be limited to:
- (1) Review all development permits to assure that the permit requirements of this Ordinance have been satisfied;
 - (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit;
 - (3) Notify adjacent communities prior to any alteration or relocation of a watercourse, and submit evidence of such notification

to the Federal Emergency Management Agency;

- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Section 165.04 (B) (2);
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Section 165.04 (B) (2);
- (7) In Coastal Hazard Areas, certification shall be obtained from a registered professional engineer or architect that the building is designed and securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash;
- (8) In Coastal High Hazard Areas, the Town Building Official shall review plans for adequacy of breakaway walls in accordance with Section 165.05 (B) (5) (h);
- (9) When flood-proofing is utilized for a particular building, the Town Building Official shall obtain certification from a registered professional engineer or architect, in accordance with Section 165.05 (B) (2);
- (10) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Town Building Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given reasonable opportunity to appeal the interpretation as provided in this article;
- (11) When base flood elevation data or floodway data have not been provided in accordance with Section 165.03 (B), then the Town Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of Section 165.05; and
- (12) All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Town Building Official and shall be open for public inspection.

(D) **Variance Procedures:**

- (1) **Hearings on LDC Requirements.** The Planning, Zoning & Variance Board as established by the Town Council shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- (2) **Hearings on Administrative Decisions.** The Planning, Zoning & Variance Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Town Building Official in the enforcement or administration of this Ordinance.
- (3) **Appeals.** Any person aggrieved by the decision of the Planning, Zoning and Variance Board, or any taxpayer, may appeal such decision to the Town Council of the Town of Indian River Shores.
- (4) **Repair or Rehabilitation of Historic Structures.** Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- (5) **Criteria for Decisions.** In passing upon such applications, the Planning, Zoning and Variance Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance and the following:
 - (a) Danger that materials may be swept onto other lands to the injury of others;
 - (b) Danger to life and property due to flooding or erosion damage;
 - (c) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) Importance of the services provided by the proposed facility to the community;

- (e) Necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - (f) Availability of alternative locations not subject to flooding or erosion damage for the proposed use;
 - (g) Compatibility of the proposed use with existing and anticipated development;
 - (h) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) Safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (k) 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, and streets and bridges.
- (6) **Establishing Permit Conditions.** Upon consideration of the factors listed above, and the purposes of this Ordinance, the Planning, Zoning & Variance Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.
- (7) **Impact on Flood Levels.** Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (8) **Conditions for Variances:**
- (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - (b) Variances shall only be issued upon a:
 - (i) Showing of good and sufficient cause;
 - (ii) Determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - (c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 - (d) The Town Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

165.05 PROVISIONS FOR FLOOD HAZARD REDUCTION

- (A) **General Standards.** 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 lateral movement of the structure;
 - (2) Manufactured 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 or 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;
 - (9) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and
 - (10) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this Ordinance shall be undertaken only if said non-conformity is not furthered, extended or replaced.
- (B) **Specific Standards.** In all areas of special flood hazard where base flood elevation data have been provided as set forth in Section 165.03 (B) or Section 165.04 (C) (11), the following provisions are required:
- (1) **Residential Construction.** New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than 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 standards of Section 165.05 (B) (3).
 - (2) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water and use structural components that have 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 subsection are satisfied. Such certification shall be provided to the Town Building Official as set forth in Section 165.04 (C) (9).
 - (3) **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.
 - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of 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;
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade; and
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.
 - (b) Access to the enclosed area 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); and
 - (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
 - (4) **Floodways.** Located within areas of special flood hazard established in Section 165.03 (B) are areas designated as 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:
 - (a) 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;

- (b) If Section 165.05 (B)(5) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 165.05; and
 - (c) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Section 165.05 (A)(2), and the elevation standards of Section 165.05 (B)(1) and the encroachment standards of Section 165.05 (B)(4)(a) are met.
- (5) **Coastal High Hazard Areas (V Zones).** Located within the areas of special flood hazard established in Section 165.03(B) are areas designated as Coastal High Hazard areas. These areas have special flood hazards associated with wave wash; therefore, the following provisions shall apply:
- (a) All building shall be located landward of the Florida Coastal Construction Control Line as established in 1987 and as subsequently amended, of the mean high tide, unless otherwise approved by the Florida Department of Environmental Protection;
 - (b) All buildings shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with Section 165.05 (B)(5)(h);
 - (c) All buildings or structures shall be securely anchored on pilings or columns;
 - (d) All pile and column foundations and structures attached thereto shall be anchored to resist flotation, collapse and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. Water loading values shall equal or exceed the base flood. Wind loading values shall be in accordance with the Florida Building Code.
 - (e) A registered professional engineer or architect shall certify that the design-specifications and plans for construction are in compliance with the provisions contained in Section 165.05 (B) (5) (b), (c) and (d).
 - (f) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction, prior to generating excessive loading forces, ramping effects or wave deflection. The Town Building Official shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect and/or soil scientist which demonstrates that the following factors have been fully considered:
 - (i) Particle composition of fill material does not have a tendency for excessive natural compaction;
 - (ii) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - (iii) Slope of fill will not cause wave run-up or ramping.
 - (g) There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage;
 - (h) Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway under abnormally high tides or wave action without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:
 - (i) No solid walls shall be allowed; and
 - (ii) Material shall consist of lattice or mesh screening only.
 - (i) If aesthetic lattice work or screening is utilized, such enclosed space shall not be designed to be used for human habitation but shall be designed to be used only for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises;
 - (j) Prior to construction, plans for any buildings that will have lattice work or decorative screening must be submitted to the Town Building Official for approval; and

- (k) Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided for in Section 165.05 (B)(5)(h) and (i).
- (C) **Standards for Streams without Established Flood Elevation and/or Floodways.** Located within the areas of special flood hazard established in Section 165.03 (B), where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, 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 principals; and
 - (2) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 165.04 (C) (11).
- (D) **Standards for Subdivision Proposals.**
- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
 - (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are greater than the lesser of fifty (50) lots or five (5) acres.
- (E) **Standards for Areas of Shallow Flooding (AO Zones).** Located within the areas of special flood hazard established in Section 165.03(B) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:
- (1) All new construction and substantial improvements of residential buildings shall 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.
 - (2) All new construction and substantial improvements of non-residential buildings 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 that 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.

165.06 PENALTY

The penalty for violating the provisions of this Ordinance shall be as provided in Section 90.99 of the Code of Ordinances of the Town of Indian River Shores.