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Chapter 54 - ENVIRONMENT AND NATURAL RESOURCES

ARTICLE XVI. FLOODPRONE AREAS

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**Sec. 54-511. Statutory authorization, findings of fact, purpose, and objectives.**

- (a) *Statutory Authorization.* The Federal Government, through the National Flood Insurance Program (NFIP) and the State of Florida, pursuant to F.S. § 627.351, have provided for programs of windstorm and flood insurance protection.
- (b) *Findings of Fact.*
- (1) The Special Flood Hazard Areas (SFHA) of Sarasota County are subject to periodic inundation of Flood water 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 Special Flood Hazard Areas (SFHA) by uses vulnerable to Floods or hazardous to other lands which are inadequately elevated, Floodproofed, or otherwise unprotected from Flood damages.
  - (3) This ordinance is consistent with the Sarasota County Comprehensive Plan.
- (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 adopting flood-loss reduction methods and provisions for:
- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in Flood height velocities;

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- (2) Requiring that uses vulnerable to Floods, including facilities which serve such uses, be protected against Flood damage at the Start of Construction or Substantial Improvement;
  - (3) Controlling the alteration of natural Floodplains, stream channels, and natural protective barriers, which aid in the accommodation of floodwaters;
  - (4) Controlling filling, grading, dredging and other Development which may increase erosion or Flood damage;
  - (5) Preventing or regulating the construction of Flood barriers which will unnaturally divert floodwaters or which may increase Flood hazards to other lands; and
  - (6) Regulating the alteration of natural protective dune systems and their associated native vegetation.
- (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, and streets and bridges located in Floodplains; and
  - (6) Help maintain a stable tax base by providing for the sound use and Development of Floodprone areas in such a manner as to minimize Flood blight areas.

(Ord. No. 2002-013, § 2, 4-24-2002; Ord. No. 2003-085, § 2, 10-8-2003; Ord. No. 2008-084, § 2, 7-8-2008; Ord. No. 2009-024, § 2, 9-22-2009)

**Sec. 54-512. Short title.**

This article shall be known and may be cited as the Sarasota County Flood Damage Prevention Ordinance.

(Ord. No. 2002-013, § 2, 4-24-2002; Ord. No. 2009-024, § 3, 9-22-2009)

**Sec. 54-513. Definitions.**

(a) *General.*

- (1) All terms used in this Ordinance shall be defined and construed consistent with the definitions promulgated by the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program in 44 CFR, Parts 59 and 60;
- (2) For the purpose of this ordinance, certain abbreviations, terms, phrases, words and their derivatives shall be construed as set forth in this section;
- (3) Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. The singular number includes the plural and the plural includes the singular; and
- (4) Words not defined herein shall have the meanings set forth in Merriam-Webster's Collegiate Dictionary, 11th Edition.

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(b) *Definitions.*

- (1) *Accessory Structure (Appurtenant Structure)* means a Structure which is located on the same parcel or lot or on a contiguous lot in the same ownership as the principal Structure and the use of which is incidental and subordinate to the use of the principal Structure. Accessory Structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal Flood damage potential. Examples of Accessory Structures are detached garages, carports, and storage sheds. Examples of Appurtenant Structures are attached pool cages, patios, and decks.
- (2) *Addition* means any expansion to the vertical or horizontal perimeter of a building connected to the existing building by a common load-bearing structural connection.
- (3) *Base Flood* means the Flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year Flood.
- (4) *Basement* means that portion of a building having its floor subgrade (below ground level) on all sides.
- (5) *Base Flood Elevation (B.F.E.)* means the highest elevation of the water surface associated with the Base Flood, as shown in the studies referenced in [Section 54-514\(b\)](#) of this Code.
- (6) *Breakaway wall* or *Frangible Wall* means a partition independent of supporting structural members that will withstand design wind forces, but will fail under hydrostatic, wave and run-up forces associated with the design storm surge. Under such conditions, the wall will fail in a manner such that it dissolves or breaks up into components that will not act as potentially damaging missiles.
- (7) *Building Official* means the officer charged with authority to administer and enforce the County's adopted Building Code. The Building Official is the County officer responsible for the administration and enforcement of the County's adopted Floodplain Management Regulations.
- (8) *Coastal High Hazard Area* means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-30, or VE.
- (9) *"Code Enforcement Officer"* means any designated employee or agent of Sarasota County whose duty it is to enforce the codes and ordinances enacted by the Board of County Commissioners of Sarasota County. Employees or agents who may be designated as Code Enforcement Officers for the purposes of the enforcement of the provisions of this Ordinance may include, but are not limited to, the County Building Official, Code Enforcement Officers, Building Plan Reviewers, County Plans Engineer, Zoning Plan Reviewers, Building Inspectors, and Law Enforcement Officers.
- (10) *County Administrator* means the County Administrator or duly authorized representative.
- (11) *Critical facility* means an integral and readily identifiable facility such as schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste, or other facilities that would potentially create a danger to the public health, safety, or welfare if the facility was compromised by flooding.
- (12) *Development* means any manmade 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 storage of materials or equipment.
- (13) *Enclosure* means that portion of a building between the top of a floor that has a surface elevation lower than the required Base Flood Elevation (B.F.E.) and the bottom surface of the ceiling of said area enclosed by vertical walls.

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- (14) *Elevated Building* means a non-basement building built to have the Lowest Floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns.
- (15) *Existing Construction or Existing Structure* means Structures for which the Start of Construction commenced on or before June 15, 1971, or the adoption of earliest FIRM, whichever date is later.
- (16) *Existing Manufactured Home Park or Subdivision* means a Manufactured Home Park or Subdivision for which the Start of Construction of facilities for servicing the lots on which the Manufactured Homes are affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was commenced before June 15, 1971 or the adoption of earliest FIRM, whichever date is later.
- (17) *Expansion to an Existing Manufactured Home Park or Subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (18) *Flood or Flooding* means:
- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
    1. The overflow of inland or tidal waters, or
    2. The unusual and rapid accumulation or runoff of surface waters from any source.
  - b. The collapse of subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash Flood or an abnormal tidal surge, or by some similar unusual and unforeseeable event which results in Flooding as defined in paragraph a. of this definition.
- (19) *Flood Insurance Rate Map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the Special Flood Hazard Areas (SFHA) and the risk premium zones applicable to the community. The latest FIRM issued for unincorporated Sarasota County is referred to as the effective FIRM.
- (20) *Flood Insurance Study* is the official hydraulic and hydrologic report provided by the Federal Emergency Management Agency (FEMA). The report contains Flood profiles, as well as the Flood Insurance Rate Maps, Flood Boundary Floodway Maps, the water surface elevation of the Base Flood, and other related information.
- (21) *Floodplain* means any land area susceptible to being inundated by water from any source (see definition of "Flood or Flooding" in this article).
- (22) *Floodplain Management Regulations* means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of regulatory requirements which control Development in Flood-prone areas of unincorporated Sarasota County. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing Flood loss and damage. Included by reference herein are the following:
- a. Parts 59 through 77 of 44 CFR (Code of Federal Regulations (as amended)).
  - b. The Coastal Construction Manual (FEMA-55, June 2000) Volumes I through III (as amended).
  - c. The most currently adopted edition of the Florida Building Code (as amended).

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- d. Protecting Building Utilities From Flood Damage (FEMA-348, November 1999).
  - e. The Sarasota County Comprehensive Plan APOXSEE (Sarasota County Ord. 89-18, as amended).
  - f. The Sarasota County Land Development Regulations (Sarasota County Ord. 81-12, as amended).
  - g. Structural Engineering Institute publication SEI/ASCE 24-05 "Flood Resistant Design and Construction".
- (23) *Floodproof* means to design a nonresidential Structure or building together with its attendant utility and sanitary facilities, so that below the Base Flood Elevation (B.F.E.) the Structure 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, during and after the occurrence of the Base Flood.
- (24) *Flood-Resistant Material* means any building material capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage, such as materials described in FEMA Technical Bulletin [2-93](#) or materials found by the Building Official to provide equivalent resistance to such damage. The term "prolonged contact" means at least 72 hours of immersion, and the term "significant damage" means any damage requiring more than low-cost cosmetic repair (such as painting).
- (25) *Floodway* or *Regulatory Floodway* means 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 at any location.
- (26) *Free of Obstruction for New Construction and Substantial Improvements in Coastal High Hazard Areas and Floodways* means the practice of not constructing attached or unattached construction elements such as garages, decks, swimming pools, Accessory Structures, Appurtenant Structures or any other type of Obstructions below Base Flood Elevation (B.F.E.) within the footprint or around the perimeter of a Structure that may alter the physical characteristics of Flooding or significantly increase wave or debris impact forces.
- (27) *Functionally Dependent Facility* means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include, gas or liquid storage tanks, long-term storage, manufacture, sales, or service facilities.
- (28) *Hardship* (as related to Variances from the requirements of this Ordinance) means the exceptional Hardship that would result from a failure to grant the requested Variance. The County requires that the Variance be exceptional, unusual, and peculiar to the property involved. Economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot qualify as an exceptional Hardship.
- (29) *Highest Adjacent Grade* means the highest natural elevation, as certified by a registered land surveyor or engineer or architect, of the ground surface, prior to placement of fill, next to the proposed exterior walls of a Structure.
- (30) *Historic Structure* means any Structure that is:
- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

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- b. 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;
  - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - 1. By an approved state program as determined by the Secretary of Interior, or
    - 2. Directly by the Secretary of Interior without approved programs.
- (31) *Lowest adjacent grade* means the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately adjacent to the Structure.
- (32) *Lowest Floor* means the Lowest Floor of the lowest enclosed area (including Basement). An unfinished enclosure constructed of Flood Resistant Materials, usable solely for parking of vehicles, building access or storage in an area other than a Basement is not considered a Structure's Lowest Floor, provided that such enclosure is not built so as to render the Structure in Violation of the applicable nonelevation design requirements of this Ordinance.
- (33) *Manufactured Home* means a Structure, 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 Recreational Vehicles, and similar transportable Structures placed on a site for longer than 180 consecutive days.
- (34) *Manufactured Home Park* or *Manufactured Home Subdivision* means the premises where Manufactured Homes are parked for non-transient living or sleeping and where lots are set aside or offered for sale or lease for use by Manufactured Homes for living or sleeping purposes, including any land, building, Structure, or facilities used by occupants of Manufactured Homes on such premises.
- (35) *Market value* means the replacement value of a building or Structure, less the value of all forms of depreciation as supported by a well-recognized cost estimator, not to include the vacant land value, Accessory Structures, and Appurtenant Structures such as pools, pool cages, detached garages and any other Structure not structurally attached.

For the purpose of determining Market Value the applicant may use the Sarasota County Property Appraiser's Office assessed value of improvement plus 20 percent or an Appraisal Report prepared by a State of Florida Certified Residential Appraiser or State of Florida Certified General Appraiser which meets the requirements of the version of the Uniform Standards of Professional Appraisal Practice ("USPAP") incorporated by reference in Florida Administrative Rule 61J1-9.001. As contemplated by Standards Rule 1-2 of USPAP, the applicant's appraiser shall identify all intended users of the Appraisal Report, including the Building Official, and the intended use as ensuring compliance with this Ordinance. The Building Official shall perform a review of the following: (1) whether the Appraisal Report accurately reflects the characteristics of the building or Structure (e.g., total square footage and number of rooms compared to tax records, condition of the building or Structure, quality of construction); and (2) whether the replacement value excludes the vacant land value, Accessory Structures, and Appurtenant Structures such as pools, pool cages, detached garages and any other Structure not structurally attached. Further, the Building Official shall use whichever Market Value is higher.

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- (36) *Mean Sea Level (MSL)* means average height of the sea for all stages of the tide over a 19-year period. The sea level datum now used for the National Ocean Survey level net is officially known as the Sea Level Datum of 1929 and the North American Vertical Datum of 1988, the years referring to the last general adjustments to the net. For the purposes of these regulations Mean Sea Level (MSL), National Geodetic Vertical Datum of 1929 (NGVD), and North American Vertical Datum of 1988 (NAVD) are synonymous in the sense that they measure elevations in relation to Mean Sea Level (MSL).
- (37) *New Construction* means any Structure for which the Start of Construction commenced after June 15, 1971, or the adoption of the earliest Flood Insurance Rate Map (FIRM) whichever is later, and includes any subsequent improvements to such a Structure.
- (38) *New Manufactured Home Park or Subdivision* means 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 a minimum, the installations 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 this Ordinance.
- (39) *Obstruction* includes, but is not limited to, any swimming pool, deck, patio, bulkhead, mounded septic system, fence, dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, Structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
- (40) *Recreational Vehicle* means a vehicle as defined pursuant to F.S. § 320.01.
- (41) *Repetitive Loss* means Flood-related damages sustained by a Structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the Flood damage, on the average, equaled or exceeded 25 percent of the Market Value of the Structure at the time of such Flood event.
- (42) *Special flood hazard area (SFHA) or Area of special flood hazard* means the land in the floodplain within unincorporated Sarasota County subject to a one percent or greater chance of Flooding in any given year. These areas may be designated as Zones A, A1 through A30, AE, V1 through V30, or VE on Sarasota County's adopted Flood Insurance Rate Maps (FIRM).
- (43) *Sand Dunes* means the coastal dune system that is composed of ridged, hilly, flat, or depressional sandy overwash areas that buffer and protect coastal Development from storm wave activity. Coastal dune systems are most often, but not always, covered by salt-tolerant, beachfront vegetation.
- (44) *Start of Construction*, for other than New Construction or Substantial Improvements under the Coastal Barrier Resources Act (P.L. 97-348), means the date the building permit was issued for either a New Structure or Substantial Improvement to an Existing Structure, provided the actual Start of Construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a Structure (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; the installation of streets and/or walkways; the excavation for a basement, footings, piers or foundations; the erection of temporary forms; or the installation on the property of Accessory Structures. For a Substantial Improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural

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part of a Structure, whether or not that alteration affects the external dimensions of the Structure.

- (45) *Structure* means that which is constructed such as a walled and roofed building that is constructed principally above ground, a Manufactured Home, a gas or liquid storage tank, or a swimming pool. For the purpose of this ordinance, residential modular Structures shall be built on permanent foundations and shall be required to meet or exceed the minimum elevation and nonelevation requirements established by the Base Flood Elevation (B.F.E.).
- (46) *Substantial Damage* means damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its undamaged condition would equal or exceed 50 percent of the Market Value of the Structure before the damage occurred.
- (47) *Structurally Independent Compliant Lateral Additions*. See definition, [section 54-513\(b\)\(2\)](#), "Addition".
- (48) *Substantial Improvement* means any reconstruction, rehabilitation, addition or other improvement of a Structure, the cost of which equals or exceeds 50 percent of the Market Value of the Structure before the Start of Construction of the improvement, This term includes Structures which have incurred Substantial Damage, regardless of the actual repair work performed. The term does not, include:
- a. Any project for improvement of a Structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the County and which are the minimum necessary to assure safe living conditions, or
  - b. Any alteration of a Historic Structure, provided that the alteration will not preclude the Structure's continued designation as a Historic Structure.
- (49) *Variance* means a grant of relief, based on Hardship, as defined herein, from the requirements of this Ordinance.
- (50) *Violation* means the failure of a Structure or other Development to be fully compliant with this Ordinance.
- (51) *Violator* means the persons or entities owning, occupying, or controlling the property on which a Violation as defined herein, has occurred or remains uncorrected, as well as the persons or entities whose acts or omissions caused the Violation.

(Ord. No. 2002-013, § 2, 4-24-2002; Ord. No. 2003-085, § 3, 10-8-2003; Ord. No. 2008-084, § 3, 7-8-2008; Ord. No. 2009-024, § 4, 9-22-2009; Ord. No. 2009-060, § 2, 4-14-2010; Ord. No. 2012-010, §§ 1, 2, 4-11-2012)

**Sec. 54-514. Adoption of flood hazard maps.**

- (a) *Lands to which this ordinance applies*. This ordinance shall apply to all areas designated as Special Flood Hazard Areas (SFHA) within the jurisdiction of unincorporated Sarasota County.
- (b) *Adoption of Flood Hazard Maps*. The following studies are hereby adopted by reference, as part of this ordinance, for determining Special Flood Hazard Areas and Lowest Floor elevations.
- (1) The Federal Emergency Management Agency (FEMA) Flood Insurance Study revised September 3, 1992, and the accompanying maps, and other related information, as amended.
  - (2) The Sarasota County Comprehensive Flood Study Updates, as amended and specified below:
    - a. The September 1994 Hudson Bayou Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.

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- b. The December 1994 Phillippi Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- c. The September 1994 Matheny Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- d. The August 1994 Elligraw Bayou Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- e. The August 1997 Holiday Bayou Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- f. The March 1994 Clower Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- g. The July 2001 Catfish Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- h. The April 1999 North Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- i. The June 2001 South Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- j. The October 2001 Cow Pen Slough/Shackett Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- k. The July 2001 Curry Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- l. The July 2001 Hatchett Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- m. The March 1987 Alligator Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- n. The January 1999 Woodmere Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- o. The March 1996 Forked Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- p. The March 1996 Gottfried Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- q. The July 1999 Ainger Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- r. The February 2004 Lower Myakka River Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- s. The December 2003 Whitaker Bayou Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- t. The March 2008 Upper Myakka/Howard Creek Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.
- u. The June 2002 Island of Venice Flood Study Update, as amended, together with all drawings, plans, and maps appertaining thereto.

(Ord. No. 2002-013, § 2, 4-24-2002; Ord. No. 2003-085, § 4, 10-8-2003; Ord. No. 2008-084, § 4, 7-8-2008; Ord. No. 2009-024, § 5, 9-22-2009; Ord. No. 2009-060, § 3, 4-14-2010)

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**Sec. 54-515. Floodways.**

Located within Special Flood Hazard Areas (SFHA) set forth in [Section 54-514](#), are areas designated as "Floodways". Since the Floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and has significant erosion potential, the following provisions shall apply:

- (a) Platting subdivisions and locating encroachments, including fill, New Construction, Substantial Improvements and other Developments are prohibited within Floodways 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; nor any adverse impact on other properties caused by increase of flow or velocity of Floodwaters or increased erosion.
- (b) All New Construction and Substantial Improvements shall comply with all applicable flood hazard reduction provisions of [Section 54-516](#)

(Ord. No. 2002-013, § 2, 4-24-2002; Ord. No. 2003-085, § 5, 10-8-2003; Ord. No. 2008-084, § 5, 7-8-2008; Ord. No. 2009-024, § 6, 9-22-2009)

**Sec. 54-516. Lowest floor elevations.**

(a) *Zones A, A1 through A30, and AE:*

- (1) In Zones A1 through A30, and AE, designated on the adopted Flood Insurance Rate Maps (FIRM), all new residential and non-residential construction and Substantial Improvements to existing residential and non-residential Structures shall have the Lowest Floor elevated to or above the Base Flood Elevation (B.F.E.). In Zones A1 through A30, and AE, designated on the adopted Flood Insurance Rate Maps (FIRM) A structurally independent compliant lateral addition with a single portal for access into an Existing Structure shall be treated as New Construction so long as the two Structures do not share a common wall, footing, roof or any structural connections. If a structure is located in two or more flood zones the entire structure is required to be built to the standards set forth by the flood zone with the more stringent elevation requirement. Additions, alterations, and rehabilitations that increase the level of nonconformity of Existing Construction by lowering the existing floor elevations further below Base Flood Elevation (B.F.E.) are prohibited. Additions, alterations, and rehabilitations to New Construction that do not meet or exceed the minimum requirements of this ordinance are prohibited.
- (2) In Special Flood Hazard Areas (SFHA) delineated on the adopted Sarasota County Comprehensive Flood Study Updates, all new residential and non-residential construction and Substantial Improvements to existing residential and non-residential construction shall have the Lowest Floor elevated a minimum of one foot above the 100-year Flood stages established by the adopted Sarasota County Comprehensive Flood Study Updates, or the Base Flood Elevation (B.F.E.) established by the adopted Flood Insurance Study, whichever is higher.
- (3) In unnumbered A Special Flood Hazard Areas (SFHA), as depicted on the adopted Flood Insurance Rate Maps (FIRM), where there is no Base Flood Elevation (B.F.E.) or Floodway established, the Lowest Floor of all new residential and non-residential construction and Substantial Improvements to existing residential and non-residential construction shall have the Lowest Floor elevated two feet above the Highest Adjacent Grade or one foot above the 100-year Flood stages established by the adopted Sarasota County Comprehensive Flood Study (if applicable), whichever is higher.
- (4) In Zones A, A1 through A30, and AE, as designated on the adopted Flood Insurance Rate Maps (FIRM), and in Special Flood Hazard Areas (SFHA), delineated on the adopted Sarasota

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County Comprehensive Flood Study Updates, new non-residential Structures and Substantial Improvements to existing non-residential Structures in lieu of having the Lowest Floor (including Basement) elevated to or above the Base Flood Elevation (B.F.E.), or one foot above the 100-year Flood stages established by the adopted Sarasota County Comprehensive Flood Study Updates determined to be best available data, whichever is higher, may be floodproofed to one foot above the highest Base Flood Elevation (B.F.E.), as was determined by this provision. Where floodproofing is utilized, either a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the Flood depths, pressures, velocities, impact and uplift forces and other factors associated with the Base Flood, and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the Building Official, including the Flood Emergency Operation Plan and the Inspection and Maintenance Plan.

- (5) In Zones A, A1 through A30, and AE, as designated on the adopted Flood Insurance Rate Maps (FIRM), and in Special Flood Hazard Areas, as delineated on the adopted Sarasota County Comprehensive Flood Study Updates, enclosed areas below the Lowest Floor shall be used solely for the parking of vehicles, building access or limited storage. And such areas shall be designed and constructed to automatically equalize Flood hydrostatic forces on exterior and interior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings located on two different sides of each enclosed area, said openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
- b. The bottom of all openings shall be no higher than one foot above the interior floor (when adjacent grade is the same or lower than interior floor) or one foot above the lowest adjacent exterior grade (if interior floor is lower than the lowest adjacent exterior grade). Openings may be equipped with screens (minimum one-quarter-inch mesh), louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, and provide sufficient net area of opening as specified in [Section 54-516\(a\)\(5\)a](#).

Openings are not permitted in garage doors unless due to the physical characteristics and orientation of structure there is no alternative location in permanent walls to install openings.

- (6) In Zones A, A1 through A30, and AE, as designated on the adopted Flood Insurance Rate Maps (FIRM), and in Special Flood Hazard Areas (SFHA), as delineated on the adopted Sarasota County Comprehensive Flood Study Updates, enclosed areas below the Lowest Floor shall be used solely for the parking of vehicles, building access or limited storage and shall be completely constructed of Flood-Resistant Materials. Enclosures used for parking and storage below the lowest floor shall have unfinished walls and floors, but may be temperature controlled. For masonry construction, stucco coatings may be applied. For frame construction, cement board or pressure treated lumber or other flood-resistant wall materials are permitted. Amenities normally associated with habitable living areas are prohibited below the Lowest Floor. Although enclosures used for parking and storage below the Lowest Floor may be temperature controlled, temperature control systems are prohibited below the Lowest Floor. Enclosures used for building access if smaller than 300 square feet in area may be temperature controlled and have flood-resistant floor finishes. The maximum partitioning allowed in such enclosures is the minimum necessary to separate parking, building access, and storage area. When such interior partitioning is used, openings that provides sufficient net area, as specified in [Section 54-516\(a\)\(5\)](#), to automatically equalize Flood forces to all interior walls shall be provided.

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- (7) In Zones A, A1 through A30, and AE, as designated on the adopted Flood Insurance Rate Maps (FIRM), and in Special Flood Hazard Areas (SFHA), as delineated on the adopted Sarasota County Comprehensive Flood Study Updates, enclosed areas below the Lowest Floor shall be used solely for the parking of vehicles, building access, or storage. Such areas shall have all electrical and mechanical equipment elevated to or above the Base Flood Elevation (B.F.E.), or designed to prevent water from entering or accumulating within the equipment during conditions of Flooding (this requirement does not apply to water pumps or pool equipment that are located outside of the footprint of the Structure). With the exception of a single hand-wash sink or laundry tub, the rim of which is above Base Flood Elevation (B.F.E.) and which is anchored to resist floatation, plumbing fixtures are prohibited within enclosed areas below the Lowest Floor. Electrical equipment servicing areas below the Base Flood Elevation (B.F.E.) shall be limited to: one wall switch to control illumination on the exterior side of outdoor entrances or exits with grade level access; one wall switch to control interior lighting outlet located at or near the usual point of entry into storage and foyer areas. One electric garage door opener per garage door; one 125 volt, single-phase, 15 or 20 ampere-rated receptacle outlet per enclosed storage, access, and/or parking area. Electricity servicing any area below B.F.E. shall be provided on a ground fault interrupt (GFI) circuit separate from other circuits used in the Structure.
- (8) In Zones A, A1 through A30 and AE, as designated on the adopted Flood Insurance Rate Maps (FIRM), and in Special Flood Hazard Areas, as delineated on the adopted Sarasota County Comprehensive Flood Study Updates, Accessory Structures need not have the Lowest Floor elevated to or above the Base Flood Elevation (B.F.E.), provided that:
1. The Accessory Structure is securely anchored to resist flotation or lateral movement,
  2. The total cost of the Accessory Structure does not exceed \$15,000.00,
  3. The Accessory Structure is used exclusively for non-temperature controlled parking and storage purposes,
  4. All electrical, plumbing, and mechanical equipment is elevated above the Base Flood Elevation (B.F.E.) or designed and constructed to prevent water from entering or accumulating within the components during conditions of Flooding, and
  5. Does not have a floor area of greater than 150 square feet.
- (b) *In Zones V1 through V30 and VE:*
- (1) In Zones V1 through V30, and VE, as designated on the adopted Flood Insurance Rate Maps (FIRM), all New Construction and Substantial Improvements shall be located landward of the reach of mean high tide, and shall have the bottom of the lowest horizontal structural member supporting the Lowest Floor (excluding the pilings or columns) elevated to or above the Base Flood Elevation (B.F.E.). If a structure is located in two or more flood zones the entire structure is required to be built to the standards set forth by the flood zone with the more stringent elevation requirement. Additions, alterations, and rehabilitations that increase the level of nonconformity of Existing Construction by lowering the existing floor elevations further below Base Flood Elevation (B.F.E.) are prohibited. Additions, alterations, and rehabilitations to New Construction that do not meet or exceed the minimum requirements of this ordinance are prohibited.
- (2) All New Construction and Substantial Improvements to Existing Structures within Zones V1 through V30, and VE, as designated on the adopted Flood Insurance Rate Maps (FIRM), shall be elevated on adequately anchored pilings or columns and anchored to such pilings or columns. A registered professional engineer or architect shall certify that the elevated portion of the Structure and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components.

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- (3) All New Construction and Substantial Improvements to Existing Structures within Zones V1 through V30, and VE, as designated on the adopted Flood Insurance Rate Maps (FIRM), shall have the space below the bottom of the lowest horizontal structural member of the Lowest Floor Free of Obstructions. An area of less than 300 square feet may be enclosed with non-supporting Breakaway Walls. Breakaway Walls shall be permitted only if designed by a registered professional engineer or architect and the proposed design meets the following conditions:
  - a. Breakaway Wall collapse shall result from a water load less than that which would occur during the Base Flood; and
  - b. The area of the Breakaway Wall enclosure below the bottom of the lowest horizontal structural member shall be limited to less than 300 square feet per Structure and be constructed of Flood-Resistant Materials. For multi-unit buildings, the Building Official has the authority to permit up to one Breakaway Wall enclosure of greater than 300 square feet in area per Structure not to exceed 20 percent of footprint area of Structure. Access to such enclosure shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of items used in connection with the premises (standard exterior door) or access to the habitable space above (stairway or elevator). The interior portion of such enclosed area shall not be partitioned into separate rooms, but may be temperature controlled.
  - c. All electrical, plumbing and mechanical equipment shall be elevated to or above the Base Flood Elevation (B.F.E.). Electrical equipment below B.F.E. shall be limited to one wall switch to control exterior illumination and one wall switch to control interior lighting outlet. Interior lighting outlet may be equipped with receptacle. Electricity servicing area below B.F.E. shall be provided on a ground-fault interrupt (GFI) circuit separate from other circuits used in the structure.
  - d. Open wood lattice panels or insect screening that will easily break away under the combined forces of storm wind and water loads without transferring damaging Flood loads to structural members may be used below the Base Flood Elevation (B.F.E.) for aesthetic purposes.
- (4) In Zones V1 through V30, and VE, as designated on the adopted Flood Insurance Rate Maps (FIRM) the use of fill for structural support is prohibited. Limited noncompacted fill may be used around the perimeter of the Structure for landscape and aesthetic purposes provided the fill will wash out by storm surge thereby rendering the Structure Free of Obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. The Building Official shall approve design plans for landscape and aesthetic fill only after the applicant has provided an engineering analysis by a professional engineer or architect which demonstrates the following:
  - a. Particle composition of fill material does not have a tendency for excessive natural compaction;
  - b. Volume and distribution of fill will not cause wave deflection to adjacent properties; and
  - c. Slope of fill will not cause wave run-up or ramping.
- (5) Manmade alteration of sand dunes, mangrove stand, or existing grades within Zone V1 through V30, and VE, as designated on the adopted Flood Insurance Rate Maps (FIRM) that would increase potential Flood damage is prohibited.
- (6) Accessory Structures in Zones V1 through V30, and VE, as designated on the adopted Flood Insurance Rate Maps (FIRM), need not have the bottom of the lowest horizontal structural member of the Lowest Floor elevated to or above the Base Flood Elevation (B.F.E.) provided that Accessory Structures are limited to low cost and are small. For the purposes of this

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ordinance "low cost" is defined as having a value of less than \$1,000.00 and "small" is defined as having less than 150 square feet of floor space. Accessory Structures meeting these criteria must be unfinished on the interior, and used only for storage. Detached garages and guardhouses shall not be considered Accessory Structures.

- (7) In Zones V1 through V30, and VE, as designated on the adopted Flood Insurance Rate Maps (FIRM) elevators are permissible to provide vertical accessibility from ground level to upper levels. The elevator shaft portion below BFE need not be of Breakaway Wall construction. The electric motor and other mechanical and electrical equipment (except call button) shall be elevated to or above the Base Flood Elevation (B.F.E.). Elevators shall be equipped with a float switch system or another equivalent system that prevents the cab from descending into floodwaters. The enclosed area of the shaft shall be included in the calculation of total allowable Breakaway Wall enclosure area as set forth in [Section 54-516\(2\)C](#) [subsection (b)(3)] herein.
  - (8) In Zones V1 through V30, and VE, as designated on the adopted Flood Insurance Rate Maps (FIRM), the pile or column foundation and Structure attached thereto shall be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all of the Structure's components. Water loading values used shall be those associated with the Base Flood. Wind load values used shall be those required by the Florida Building Code, as amended from time to time. A Florida registered engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this paragraph.
- (c) *Standards for Manufactured Homes and Recreational Vehicles.* All Manufactured Homes to be placed, or Substantially Improved within Zones A, A1 through A30, and AE, on the adopted Flood Insurance Rate Maps (FIRM), shall provide:
- (1) All Manufactured Homes placed, or Substantially Improved, on individual lots or parcels, in expansions to Existing Manufactured Home Parks or subdivisions, or in New Manufactured Home Parks or subdivisions, within Zones A, A1 through A30, and AE, as designated on the adopted Flood Insurance Rate Maps (FIRM) and within Special Flood Hazard Areas (SFHA), as delineated on the adopted Sarasota County Comprehensive Flood Study Updates, must meet all the requirements for New Construction, including elevation and nonelevation requirements and anchoring.
  - (2) New Manufactured Home Parks or subdivisions are prohibited in Zones V1 through V30, and VE, as designated on the adopted Flood Insurance Rate Maps (FIRM).
  - (3) All Manufactured Homes placed or Substantially Improved on individual lots or parcels, or in an Existing Manufactured Home Park or subdivision within Zones A, A1 through A30, and AE, as designated on the adopted Flood Insurance Rate Maps (FIRM) and within areas delineated on the adopted Sarasota County Comprehensive Flood Study Updates, must be elevated so that:
    - a. The Lowest Floor of the Manufactured Home is elevated to or above the Base Flood Elevation (B.F.E. as shown in the Flood Insurance Study; or
    - b. The Lowest Floor of the Manufactured Home is elevated one foot above 100-year Flood stages as established by the adopted Sarasota County Flood Study Updates determined to be best available data, if found to be above the elevation from the Flood Insurance Study; or
    - c. The Manufactured Home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade.

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- (4) The Manufactured Home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (5) In an Existing Manufactured Home Park or subdivision on which a Manufactured Home has incurred Substantial Damage as the result of a Flood, the Lowest Floor elevation must be to or above the Base Flood Elevation (B.F.E.) as specified in [Section 54-516](#).(3).C [subsection (c)(3), hereinabove], and be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (6) All Recreational Vehicles placed in Zones A, A1 through A30, and AE, as delineated on the adopted Flood Insurance Rate Maps (FIRM), or within Special Flood Hazard Areas (SFHA) as delineated on the adopted Sarasota County Comprehensive Flood Study Updates determined to be best available data, whichever is higher, must either:
  - a. Be on site for fewer than 180 consecutive days and fully licensed and ready for highway use (a Recreational Vehicle is ready 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 additions); or
  - b. The Recreational Vehicle must meet all the requirements for New Construction, including elevation and nonelevation requirements.
- (d) *Critical Facilities*. Construction of new Critical Facilities shall be, to the extent possible, located outside the limits of the 500-year Floodplain. Construction of new Critical Facilities shall be permissible within the SFHA if there is no practical alternative site. Critical Facilities constructed within the SFHA shall have the Lowest Floor elevated three feet or more above the Base Flood Elevation (B.F.E.) at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the Base Flood Elevation (B.F.E.) shall be provided to all Critical Facilities to the extent possible.

(Ord. No. 2002-013, § 2, 4-24-2002; Ord. No. 2003-085, § 6, 10-8-2003; Ord. No. 2008-084, § 6, 7-8-2008; Ord. No. 2009-024, § 7, 9-22-2009; Ord. No. 2009-060, § 4, 4-14-2010)

**Sec. 54-517. Machinery and equipment.**

In Zones A, A1 through A30, AE, V1 through V30, or VE as designated on the adopted Flood Insurance Rate Maps (FIRM), or below the 100-year Floodplain areas, as delineated in the adopted Sarasota County Comprehensive Flood Study Updates, New Construction and Substantial Improvements shall be constructed with all attendant electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities designed and constructed to be elevated to or above the Base Flood Elevation (B.F.E.), and to prevent Flood water from entering or accumulating within their components during conditions of Flooding.

(Ord. No. 2002-013, § 2, 4-24-2002; Ord. No. 2003-085, § 7, 10-8-2003; Ord. No. 2008-084, § 7, 7-8-2008; Ord. No. 2009-024, § 8, 9-22-2009; Ord. No. 2009-060, § 5, 4-14-2010)

**Sec. 54-518. Land development regulations.**

- (a) These regulations apply to Development within all Zones delineated on the adopted Flood Insurance Rate Maps (FIRM) and the adopted Sarasota County Comprehensive Flood Study Updates.
  - (1) All proposed construction or other new Development, including the placement of Manufactured Homes, shall be required to obtain permits so that a determination can be made as to whether

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such construction or Development is proposed within an area designated as a Special Flood Hazard Area (SFHA).

- (2) All surveys submitted with permit applications for Development, New Construction, or Substantial Improvements shall indicate the appropriate flood hazard zone and be prepared by a Florida Registered Land Surveyor. All surveys submitted with permit applications for Development, New Construction, or Substantial Improvements shall indicate the appropriate flood hazard zone and Base Flood Elevation (B.F.E.), and be prepared by a Florida Registered Land Surveyor.
  - (3) All proposed Development shall have received all required federal, state and local permits, including permits under Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, prior to issuance of a County building permit.
- (b) Regulations Applicable to Development within Special Flood Hazard Areas (SFHA) Designated on the adopted Flood Insurance Rate Maps (FIRM) and the adopted Sarasota County Comprehensive Flood Study Updates.
- (1) All New Construction, or Substantial Improvements to Existing Structures including the placement of gas and fuel storage tanks, prefabricated buildings and Manufactured Homes shall:
    - a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
    - b. Be designed and constructed with Flood-Resistant Materials below the Base Flood Elevation (B.F.E.);
    - c. Be designed and constructed by methods and practices that minimize Flood damage; and
    - d. Be designed and constructed with all attendant electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities so as to prevent Floodwater from entering or accumulating within the components during conditions of Flooding.
  - (2) All new subdivisions and other new Development shall:
    - a. Be consistent with the need to minimize Flood damage within the Special Flood Hazard Area (SFHA);
    - b. Locate, design, and construct all public utilities and facilities such as sewer, gas, electrical and water systems to minimize Flood damage; and
    - c. Provide adequate drainage to reduce exposure to Flood hazards.
  - (3) If the Base Flood Elevation (B.F.E.) is not available from the adopted Flood Insurance Rate Maps (FIRM), or the Sarasota County Comprehensive Flood Study Updates, it shall be determined prior to Development. All subdivision proposals and other proposed new Developments greater than either 50 lots or five acres, whichever is lower, within Special Flood Hazard Areas (SFHA) shall include a determination of the Base Flood Elevation (B.F.E.) prepared by a Florida Registered engineer.
  - (4) All new or replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
  - (5) All new or replacement sanitary sewer systems or portions thereof, shall be designed to minimize or eliminate infiltration of Floodwaters into the systems and discharges from the systems into Floodwaters. All new on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during Flooding, and shall be anchored to prevent flotation, collapse or lateral movement.

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- (6) The developer of any new or substantially improved Structure shall provide the Building Official with the following:
  - a. For the purpose of the determination of applicable flood insurance risk premium rates within Zones A, A1 through A30, AE, V1 through V30 and VE on the adopted Flood Insurance Rate Maps (FIRM):
    1. If the Structure is located in an A, A1 through A30, or AE Zone as delineated on the adopted Flood Insurance Rate Maps (FIRM) the elevation, in relation to Mean Sea Level (MSL) of the Lowest Floor for all new or substantially improved Structures, whether or not such Structures contain a Basement shall be provided. The said elevation shall be determined by a land surveyor, engineer, or architect licensed by the State of Florida to certify elevation information, and be submitted on the FEMA Elevation Certificate;
    2. If the Structure is located in a V1 through V30, or VE Zone as delineated on the adopted Flood Insurance Rate Maps (FIRM) the elevation, in relation to Mean Sea Level (MSL) of the bottom of the lowest horizontal structural member shall be provided. The said elevation shall be determined by a land surveyor, engineer, or architect licensed by the State of Florida to certify elevation information, and be submitted on the FEMA Elevation Certificate;
    3. If the Structure located in an A, A1 through A30, or AE Zone as delineated on the adopted Flood Insurance Rate Maps (FIRM) is nonresidential and has been Floodproofed, a Floodproofing Certificate for Nonresidential Structures showing the elevation, in relation to Mean Sea Level (MSL) to which the Structure was Floodproofed shall be provided along with the Flood Emergency Operation Plan and the Inspection and Maintenance Plan.
  - b. The Building Official shall maintain a record of all information filed pursuant to this subsection.
- (7) The developer of any new or substantially improved Structure who alters or relocates a portion of any watercourse shall demonstrate with appropriate calculations that the Flood carrying capacity of the watercourse will be maintained. The State Assistance Office for the National Flood Insurance Program and adjacent communities shall be notified prior to any watercourse alteration or relocation and submit copies of such notifications to the FEMA Region IV office.
- (8) A Federal Emergency Management Agency (FEMA) Elevation Certificate or Floodproofing Certificate prepared by the appropriate Florida registered land surveyor, engineer or architect shall be required for all New Construction and Substantial Improvements. This certificate shall be submitted to the Sarasota County Planning and Development Services Business Center prior to the final building inspections or the issuance of the Certificate of Occupancy.
- (9) No new Development (including fill) as regulated by the Sarasota County Land Development Regulations, as amended, or as regulated by the Sarasota County Earthmoving Ordinance, as amended, shall be permitted within Zones A, A1 through A30, and AE, as delineated on the adopted Flood Insurance Rate Maps (FIRM) or in Special Flood Hazard Areas (SFHA) as delineated on the adopted Sarasota County Comprehensive Flood Study Updates, unless it is demonstrated 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 by:
  - a. Providing equivalent compensatory storage for floodwaters in the immediate vicinity of fill within the limits of the Base Flood Elevation (B.F.E.) and the average ground water level.

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- b. Providing a minimum 30-foot vegetative buffer landward from top of bank or demonstration through detailed studies certified by a professional engineer that a different buffer will protect the riverine Floodplain functions and that no increase in the Base Flood Elevation (B.F.E.) will result.
- (c) Additional Requirement Applicable to Development Permits in Floodprone Areas. In addition to all other applicable regulations, no permit for building, mining, dredging, filling, grading, paving, excavation or drilling operations shall be approved within a Special Flood Hazard Area (SFHA) as delineated on the adopted Flood Insurance Rate Maps (FIRM) and the Sarasota County Comprehensive Flood Study Updates unless the applicable regulations of this Ordinance are met. In the event the requirements of 44CFR Section 60.3 may be amended from time to time and provide more stringent requirements for flood hazard areas, the more stringent requirements shall govern.

(Ord. No. 2002-013, § 2, 4-24-2002; Ord. No. 2003-085, § 8, 10-8-2003; Ord. No. 2008-084, § 8, 7-8-2008; Ord. No. 2009-024, § 9, 9-22-2009)

**Sec. 54-519. Variances.**

- (a) The Sarasota County Building Code Board of Adjustments and Appeals ("Board of Adjustment") is hereby authorized to grant Variances to allow New Construction, reconstruction and Substantial Improvements to be built below the Base Flood Elevation (B.F.E.) as delineated on the adopted Flood Insurance Rate Maps (FIRM), or on the adopted Sarasota County Comprehensive Flood Study Updates pursuant to the provisions of this section. Variances shall only be granted prior to proposed New Construction, reconstruction, or Substantial Improvement when based upon competent, substantial evidence presented by the applicant that a Hardship, as defined herein is found to exist.
- (b) Generally Variances are granted only for lots of one-half acre or less that are contiguous to, or substantially surrounded by, lots with existing Structures below the Base Flood Elevation (B.F.E.). Variances, when otherwise permissible pursuant to this section (i.e., Hardship found to exist), shall only be granted upon a determination by the Board of Adjustment, based upon competent substantial evidence presented by the applicant, that:
  - (1) The granting of a Variance will not result in increased Flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
  - (2) The lot in question is so small or has such unusual characteristics that the prescribed standards cannot be met without some relief so as to allow a reasonable use of the property.
- (c) Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) A Variance may be granted for a Functionally Dependent Facility where a showing is made that the facility cannot be utilized if it is required to meet the minimum Lowest Floor elevation, and other design standards required in a Special Flood Hazard Area (SFHA).
- (e) The Building Official shall provide written notification to applicants for Variances that:
  - (1) The issuance of a Variance to construct a Structure below the Base Flood Elevation (B.F.E.) will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
  - (2) Such construction below the Base Flood Elevation (B.F.E.) increases risks to life and property.

Such notification shall be maintained with a record of all Variance actions.

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- (f) No building permit shall be issued for construction covered by a Variance until the document granting the Variance has been recorded at the applicant's expense in the public land records of Sarasota County, Florida. Said document shall contain the notice information provided in subsection (e) above.
- (g) A Variance granted under the Ordinance shall expire within 180 days from the date of the document granting the Variance unless a valid building permit is issued within said 180-day period and construction is carried to completion under said building permit; provided, however that the Board of Adjustment may, for good cause shown, grant an extension of the 180-day period not to exceed an additional 180 days.
- (h) No Variance shall be granted for any Development in a regulatory Floodway if any increase in Flood levels during the occurrence of the Base Flood discharge will result.
- (i) Variances may be issued for the repair or rehabilitation of Historic Structures 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 necessary to preserve the historic character and design of the Structure. All possible Flood damage protection measures must be incorporated in the design and construction (e.g. protection of utilities, use of Flood-Resistant Materials).
- (j) Variances shall not be granted after the fact.

(Ord. No. 2002-013, § 2, 4-24-2002; Ord. No. 2003-085, § 9, 10-8-2003; Ord. No. 2008-084, § 9, 7-8-2008; Ord. No. 2009-024, § 10, 9-22-2009)

**Sec. 54-520. Administration.**

- (a) The Sarasota County Building Official is hereby designated as the official responsible for the implementation of the provisions of this Ordinance, and submitting all required reports to the Federal Emergency Management Administration (FEMA) and the State NFIP Coordinating Agency concerning the County's implementation of this Ordinance, and participation in the National Flood Insurance Program.
- (b) All County Business Centers shall provide the Building Official with appropriate assistance and review of development plans to ensure that the requirements of this Ordinance are met, and that the site is reasonably safe from flooding.
- (c) This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another Ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (d) 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 "Special Flood Hazard Areas" (SFHA) or uses permitted within such areas will be free from flooding or flood damages.
- (e) Appeals concerning the administration or interpretation of this ordinance may be filed by any person or agency aggrieved to the Sarasota County Building Code Board of Adjustments and Appeals ("Board of Adjustment"). Such appeals shall be filed with the Building Official within a reasonable time of the interpretation not to exceed 30 calendar days. The appeal shall contain an explanation of the issue and the alleged error of the Official.
- (f) In order to prevent hardship on permit applicants who have been granted a permit from the Florida Department of Environmental Protection (FDEP) to proceed with construction seaward of the Coastal Construction Control Line (CCCL) prior to the adoption of this ordinance such applicants may apply

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for a County building permit under the definition of Base Flood Elevation (BFE) in Sarasota County Ordinance 2003-085 provided such application is received prior to February 28, 2009.

(Ord. No. 2002-013, § 2, 4-24-2002; Ord. No. 2003-085, § 10, 10-8-2003; Ord. No. 2008-084, § 10, 7-8-2008; Ord. No. 2009-012, § 2, 1-27-2009; Ord. No. 2009-024, § 11, 9-22-2009)

**Sec. 54-521. Compliance and penalties for violation.**

- (a) Violation of the requirements of this Ordinance may be enforced in the same manner as misdemeanors are prosecuted in accordance with F.S. § 125.69, punishable by a fine not to exceed \$500.00, by imprisonment not to exceed 60 days, or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offense.
- (b) Any person who opposes, obstructs, or resists any Code Enforcement Officer or any person authorized by the Code Enforcement Officer in the discharge of his or her duties as provided by this ordinance shall be in violation of this Ordinance, which may be prosecuted in the same manner as misdemeanors are prosecuted pursuant to F.S. § 125.69, be punishable by a fine not to exceed \$500.00, by imprisonment not to exceed 60 days, or by both such fine and imprisonment.
- (c) Notwithstanding any other provision herein, the County is expressly authorized to take such other lawful action, as is necessary to prevent or remedy any violation of this ordinance, including, but not limited to, equitable action for injunctive relief, and enforcement pursuant to F.S. ch. 162, and Sarasota County Code Chapter 2, Article VIII. Fines and penalties for offenses of this ordinance shall be established by Sarasota County Code Chapter 2, Article VIII.
- (d) Any prosecution arising from a violation of any prior adopted County Floodplain Management Regulations, including, but not limited to, County Ordinance No. 92-055 or its successors, which prosecution was pending at the effective date of this ordinance, or any prosecution that may be begun after the effective date of this ordinance in consequence of any violation of any prior adopted County Floodplain Management Regulations superseded hereby shall be tried under the provisions of this ordinance.

(Ord. No. 2002-013, § 2, 4-24-2002; Ord. No. 2003-085, § 11, 10-8-2003; Ord. No. 2008-084, § 11, 7-8-2008; Ord. No. 2009-024, § 12, 9-22-2009)

**Sec. 54-522. Inconsistent provisions superseded.**

The provisions of this article shall supersede the requirements of other County ordinances where conflict arises and the provisions of this article are more stringent.

(Ord. No. 2002-013, § 2, 4-24-2002; Ord. No. 2009-024, § 13, 9-22-2009)

**Sec. 54-523. Severability.**

If any provision of this article is held or declared to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

(Ord. No. 2002-013, § 2, 4-24-2002; Ord. No. 2009-024, § 14, 9-22-2009)

**Secs. 54-524—54-550. Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 54 - ENVIRONMENT AND NATURAL RESOURCES

ARTICLE XVI. FLOODPRONE AREAS

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FOOTNOTE(S):

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**Editor's note**— Section 2 of Ord. No. 2002-013, adopted April 24, 2002, amended art. XVI, in its entirety to read as herein set out. Former art. XVI pertained to the same subject matter, was comprised of §§ 54-511—54-522, and derived from Ord. No. 92-055, adopted July 28, 1992; Ord. No. 94-050, adopted June 14, 1994; and Ord. No. 98-014, adopted Feb. 17, 1998. ([Back](#))