

ORDINANCE NO. 24-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 62, ARTICLE XI FLOOD DAMAGE PROTECTION, BREVARD COUNTY CODE OF ORDINANCES, TO ADOPT AN UPDATED VERSION OF THE FLOOD INSURANCE RATE MAP AND TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS TO BASE FLOOD ELEVATION PLUS ONE (1) FOOT ABOVE FRAME OF MANUFACTURED HOMES; SPECIFICALLY AMENDING SECTION 62-4001, BREVARD COUNTY CODE, TO REMOVE THE DEFINITIONS OF "EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION", "REPETITIVE LOSS", "SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS"; SPECIFICALLY AMENDING SECTION 62-4001, BREVARD COUNTY CODE, TO INCLUDE THE DEFINITION OF "MARKET VALUE"; SPECIFICALLY AMENDING SECTION 62-4001, BREVARD COUNTY CODE, TO MODIFY THE DEFINITIONS OF "APPEAL", "EXISTING CONSTRUCTION", "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION", "NEW CONSTRUCTION", "SUBSTANTIAL IMPROVEMENT"; SPECIFICALLY ADOPTING AN UPDATED FLOOD INSURANCE RATE MAP INTO SECTION 62-4005 "BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD AND ADOPTION OF FLOOD INSURANCE RATE MAP"; SPECIFICALLY AMENDING SECTION 62-4061 "GENERAL STANDARDS" TO INCLUDE REFERENCE TO THE DATE THE COUNTY WAS ACCEPTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM IN SUBSECTION 7; SPECIFICALLY AMENDING SECTION 62-4062(4) SPECIFIC STANDARDS FOR MANUFACTURED HOMES AND RECREATIONAL VEHICLES IN AREAS OF SPECIAL FLOOD HAZARD; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE BREVARD COUNTY CODE OF ORDINANCES.

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

WHEREAS, the County participates in the National Flood Insurance Program (the "NFIP") and participates in the NFIP's Community Rating System ("CRS"), a voluntary incentive program that recognizes and encourages

community floodplain management activities that exceed the minimum program requirements and the County has achieved a CRS rating of Class 7, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the CRS prerequisite and for the County to at least maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated so that the bottom of the frame of the manufactured home is at least one (1) foot above the base flood elevation, which necessitates modification of the existing requirements; and

WHEREAS, the Board has determined that it is in the public interest to amend the floodplain management regulations to better protect manufactured homes and to, at the very least, continue participating in the Community Rating System at the current class rating.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Brevard County, Florida, that the Brevard County Code is amended as set forth in the following amendments, as shown in ~~strikethrough~~ and underline format in Section 1.

SECTION 1. The foregoing recitals are true and correct and are incorporated by reference into this Ordinance.

SECTION 2. Chapter 62, Article XI, Division 1, Section 62-4001, "Definitions and rules of construction," Brevard County Code, is hereby amended as follows:

Sec. 62-4001. Definitions and rules of construction.

For the purposes of this article, the following definitions shall apply in the interpretation, enforcement and intent of this article. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

Addition to an existing building means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter loadbearing walls is new construction.

Administrator means the Federal Insurance Administrator.

Appeal means a request for a review of the county's interpretation of any provision of this article ~~or a request for a variance.~~

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any

given year. The area may be designated as zone A, AE, AH, AO, A99, V, and VE on the FIRM.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the FHBM. After detailed rate-making has been completed in preparation for publication of the FIRM, zone A is usually refined into zones A, AE, AH, AO, A99, V, and VE.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation means the elevation of a flood having a one percent chance of being equaled or exceeded in any given year.

Basement means any area of a building having its floor subgrade (below ground level) on all sides.

Board means the board of county commissioners.

Breakaway walls means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material, 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 means any structure built for support, shelter or enclosure for any occupancy or storage.

Building official means the director of the county building division, or designate.

Coastal high-hazard area means the area subject to high-velocity waters caused by forces such as but not limited to hurricane wave wash. The area is designated on a FIRM as zone VE or V.

Conditional letter of map revision (CLOMR) means FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map. It indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

County manager means the county manager or designee.

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.

Development permit includes the following:

- (1) Building permit: The permit required by chapter 22;
- (2) Development plan: The information or permit required by article VII or VIII of this chapter;
- (3) Site plan: The information or permit required by article VIII of this chapter; or
- (4) Any other permit or approval as may be required by the county relating to dredging, filling, land alteration, land clearing, landscaping, coastal construction, floodplain protection, wetland protection, surface water protection or developing any land, or the construction, substantial improvement or relocation of any structure.

Elevated building means a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, pilings, columns, posts, piers or shear walls.

Existing construction means any structure for which the start of construction commenced before the effective date of the initial ordinance from which this article is derived September 22, 1972, the date the County was accepted by the Federal Emergency Management Agency to participate in the NFIP.

Existing 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, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed before the effective date of the initial ordinance from which this article is derived September 22, 1972, the date the County was accepted by the Federal Emergency Management Agency to participate in the NFIP.

~~*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.~~

Flood and flooding mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

Flood elevation determination means a determination of the water surface elevation of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood elevation study means the best available information, which may include the current effective flood insurance study for the county and incorporated areas, prepared by the federal emergency management agency; the flood hazard information study for the St. Johns River prepared for the board of county commissioners by the Department of the Army, dated March 1976; the St. Johns River Water Management District Technical Publication SJ 85-3, entitled "The Mean Annual, 10-Year, 25-Year, and 100-Year Profiles for the Upper St. Johns River Under The Existing Conditions," prepared by Dr. Donthamsetti V. Rao, P.E., St. Johns River Water Management District (March 1985); or any other studies of flood hazards, base flood elevations and, if appropriate, corresponding water surface elevation.

Flood insurance rate map (FIRM) means 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 means the official report provided by the federal emergency management agency that documents the results of a detailed flood hazard assessment performed for the community. The report contains text, data tables and flood profiles.

Floodplain means any land area, including watercourses, susceptible to partial or complete inundation by water from any source.

Floodproofing means those adjustments to properties, structures and building contents which are designed or adapted primarily to reduce flood damages to lands, potable water and sanitary facilities and structures. It shall include structural and nonstructural additions, changes and engineering techniques which seal structures and keep them free from encroachment of floodwater below the base flood elevation. Any person who attempts to use floodproofing techniques in order to satisfy the requirements of this article as to nonresidential structures shall provide the county building official with a certification from a professional engineer who is registered in the state that the structure is floodproofed or has adequate floodproofing provisions designed within such structure.

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 more than a designated height.

Floor means 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 means 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 or ship repair.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as being eligible 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 of the Interior to qualify as a registered historic district;
- (3) Individually listed on the Florida Master Site File of historic resources in the state; or
- (4) Individually listed on a local inventory of historic places with historic preservation programs that have been certified by an approved state program as determined by the Secretary of the Interior.

Lowest floor means the lowest floor of the lowest enclosed area, including basement, but excluding any unfinished or flood-resistant enclosure usable solely for vehicle parking, building access or limited storage, provided that such enclosure is not built so as to render the structure in violation of any applicable non-elevation design requirements.

Mangrove stand means an assemblage of mangrove trees, which are mostly low trees noted for copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia nitida*), red mangrove (*Rhizophora mangle*), white mangrove (*Languncularia racemose*) and buttonwood (*Conocarpus erecta*).

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 park trailers, travel trailers and similar transportable structures or vehicles placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park subdivision means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Market value means the value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash

value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.

Mean sea level means the average height of the sea for all stages of the tide. It may be used as a reference for establishing various elevations within the floodplain. For the purposes of this article, the term is synonymous with national geodetic vertical datum of 1929.

National geodetic vertical datum (NGVD), as corrected in 1929, is a vertical control datum which may be used as a reference for establishing varying elevations with the floodplain.

New construction means structures for which the start of construction commenced on or after September 22, 1972, the date the County was accepted by the Federal Emergency Management Agency to participate in the NFIP.~~the effective date of the initial ordinance from which this article is derived~~ The term also includes any subsequent improvements to such structures.

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, 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 September 22, 1972, the date the County was accepted by the Federal Emergency Management Agency to participate in the NFIP.~~the effective date of the initial ordinance from which this article is derived.~~

North American vertical datum (NAVD), as adjusted in 1988, is a vertical control datum established for vertical control surveying in the United States. It replaces the national geodetic vertical datum (NGVD) of 1929.

Person includes any individual or group of individuals, corporation, partnership or association, or any other entity, including state and local governments and agencies.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred 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.

~~*Repetitive loss* means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.~~

Sand dunes means 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 (PL 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, 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, including the relocation of a structure. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include the 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 main structure.

Structure for floodplain management purposes, means a walled and roofed building that is principally aboveground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures. The term "structure", for insurance coverage purposes, means a wall or roofed building, other than a gas or liquid storage tank, that is principally aboveground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

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

Substantial improvement means any combination of repairs, reconstruction, alteration, addition, or improvements to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before damage occurred. ~~This term includes structures which have incurred repetitive loss or substantial~~

~~damage.~~ If the structure has sustained substantial damage, any repairs are considered substantial improvement 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 structure. The term does not, however, include:

- (1) Any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions, or
- (2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

~~Substantially improved existing manufactured home parks or subdivisions means that the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.~~

Variance means a grant of relief by the board of county commissioners from the terms of this article.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without elevation certification, other certifications, or other evidence of compliance as required is presumed to be in violation until such time as that documentation is provided.

SECTION 3. Chapter 62, Article XI, Division 1, Section 62-4005, "Basis for establishing areas of special flood hazard and adoption of flood insurance rate map," Brevard County Code, is hereby amended as follows:

The flood insurance rate map effective January 29, 2021 ~~March 17, 2014~~, and the associated flood insurance study, and any subsequent revisions, amendments or supplements thereto, including the zone designations and all explanatory material noted thereon, are hereby incorporated into this article by reference in their entirety. The maps shall be referred to for a determination of areas of special flood hazard.

SECTION 4. Chapter 62, Article XI, Division 1, Section 62-4061, "General standards," Brevard County Code, is hereby amended as follows:

- (7) Any alteration, repair, reconstruction or improvements to a structure on which the start of construction was begun after ~~the effective date of the initial ordinance from which this article is derived~~ September 22, 1972, the date the

County was accepted by the Federal Emergency Management Agency to participate in the NFIP, shall meet the requirements of new construction as contained in this article.

SECTION 5. Chapter 62, Article XI, Division 1, Section 62-4062, "Specific standards," Brevard County Code, is hereby amended as follows:

Sec. 62-4062. Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 62-4005 or section 62-4031(6), the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of 12 inches above the base flood elevation. No portion of the structure, excluding the foundation, shall be below the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the automatic equalization of hydrostatic flood forces on walls shall be provided in accordance with standards of subsection (3).
- (2) *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial or nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of 12 inches above the base flood elevation, or, together with attendant utility and sanitary facilities, be floodproofed to a minimum of one-foot above the base flood elevation, such that 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, the effects of buoyancy and anticipated debris impact forces. A professional engineer or architect licensed to practice in the state shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 62-4032(5).
- (3) *Elevated buildings.* New construction and substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor 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:

1. A minimum of two openings shall be provided for each enclosed area subject to flooding, on different sides of each enclosed area if practicable, having a total net area of not less than one-square-inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one-foot above grade; and
 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. Electrical, plumbing and other utility connections are prohibited below the base flood elevation.
 - c. 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).
- (4) *Manufactured homes and recreational vehicles.*
- a. All manufactured homes to be placed or substantially improved ~~on individual lots or parcels, or in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, or which have incurred "substantial damage" as a result of a flood,~~ must meet all requirements for new construction, including elevation and anchoring requirements. Within special flood hazard areas, manufactured homes shall be elevated on a permanent foundation such that the bottom of the frame lowest floor of the manufactured home and all appurtenant building equipment is a minimum of 12 inches above the base flood elevation, and be securely anchored to an adequately anchored foundation system in accordance with the following specific requirements:
 1. Over-the-top ties shall be provided at each end of the manufactured home, with one additional tie per side at an intermediate location on manufactured homes less than 50 feet long and one additional tie per side for manufactured homes 50 feet long or longer;
 2. Frame ties shall be provided at each corner of the home, with four additional ties per side at intermediate points for manufactured homes less than 50 feet long and one additional tie for manufactured homes 50 feet long or longer;
 3. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and

4. Any additions to the manufactured home shall be similarly anchored.
- b. Additional requirements for manufactured homes are as follows:
- ~~1. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision must be elevated so that:~~
 - ~~i. The lowest floor of the manufactured home and all appurtenant building equipment is elevated a minimum of 12 inches above the base flood elevation;~~
~~or~~
 - ~~ii. 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, whichever is higher.~~
 - ~~iii. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.~~
 - 1.2. For new and replacement manufactured homes ~~manufactured home parks and subdivisions; for expansions to existing manufactured home parks and subdivisions; for existing manufactured home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or subdivision, the following are required:~~
 - i. Stands or lots shall be elevated on compacted fill so that the bottom of the frame ~~lowest floor~~ of the manufactured home and all appurtenant building equipment will be a minimum of 12 inches above the base flood elevation; or
 - ii. The manufactured home chassis shall be supported by reinforced piers, or other foundation elements of at least an equivalent strength, so that the bottom of the frame ~~lowest floor~~ and all appurtenant building equipment will be elevated a minimum of 12 inches above the base flood elevation.
 - iii. Manufactured homes shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (4)a.;

- iv. Adequate surface drainage and access for a hauler shall be provided; and
 - v. In the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten feet apart, and reinforcement shall be provided for pilings more than six feet above the ground level.
- c. All recreational vehicles placed on sites must either:
- 1. Be fully licensed and ready for highway use; or
 - 2. Meet all the requirements for new construction, including the anchoring and elevation requirements of subsection (4)a. or (4)b.

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 structures.

- d. All new manufactured home parks and subdivisions located within an area of special flood hazard shall file an evacuation plan indicating alternate vehicular access and escape routes with the county emergency management director at the earliest possible date.
- (5) *Floodways*. Located within areas of special flood hazard established in section 62-4005 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwater, which carries debris and potential projectiles and has erosion potential, the following provisions shall apply:
- a. Encroachments are prohibited, including fill, new construction, substantial improvements and other developments, unless certification, with supporting technical data, by a professional engineer licensed to practice in the state is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
 - b. If subsection (5)a. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 62-4061 and this section.
 - c. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) 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 62-4061(2) and the elevation standards of subsection (1) and the encroachment standards of subsection (5)a. are met.

(6) *Coastal high-hazard areas (V zones)*. These areas have special flood hazards associated with wave wash. Therefore, the following provisions shall apply:

- a. All buildings or structures shall be located landward of the reach of the mean high tide.
- b. All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to a minimum of 12 inches above the base flood elevation, with all space below the lowest supporting member either open and free of obstruction, or constructed with non-supporting breakaway walls as provided for in subsection (6)h., or enclosed by open wood lattice-work or insect screening as provided in subsection (6)m.
- c. All new construction and substantial improvements shall be securely anchored on pilings or columns when any portion of the first-floor level is located at or below the 100-year base flood elevation level as established on the flood insurance rate map. The elevation of the first-floor level shall be based upon technical reports, survey, plats and other data certified by a professional engineer or architect licensed to practice in the state and provided by the applicant for the permit.
- d. Pilings or columns used as structural support and structures attached thereto shall be designed and anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by applicable state or local building standards.
- e. Compliance with the provisions contained in subsections (6)a., (6)b., (6)c. and (6)d. shall be certified to by a professional engineer or architect licensed to practice in the state.
- f. There shall be no fill used as a structural support.
- g. There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.
- h. Breakaway walls shall only 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 break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used. Breakaway walls shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot.

- i. If breakaway walls are utilized, such enclosed spaces shall be usable solely for parking of vehicles, building access or limited storage.
 - j. Prior to construction, plans for any structure that will have breakaway walls must be submitted to the building official for approval.
 - k. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of the initial ordinance from which this section is derived shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in subsection (6)h.
 - l. All buildings or structures seaward of the county coastal construction control line shall be located and constructed in accordance with article XII or other applicable ordinances.
 - m. Open wood lattice-work or insect screening shall be allowed below the lowest floor, provided it is not part of the structural support of the building and is designed so as to break away, under wind and water loads, without damage to the structural integrity of the building on which it is to be used, and provided the following design specifications are met:
 - 1. No solid walls shall be allowed; and
 - 2. Material shall consist of open wood lattice-work or mesh screening only.
 - n. If 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.
 - o. Prior to construction, plans for any structures that will have lattice-work or screening must be submitted to the building official for approval.
 - p. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice-work or screening, as provided for in subsections (6)m., (6)n. and (6)o.
- (7) *Streets and roads.* All streets, roads, alleys or other rights-of-way constructed within areas of special flood hazard shall have the crown of such right-of-way elevated, at a minimum, to the higher of:
- a. Five feet three inches above sea level.
 - b. An elevation not lower than the base flood elevation, where such base flood elevations have been established.

Nothing in this subsection shall in any way diminish the authority of the county to require such rights-of-way to be constructed at higher

elevations than those set out in this subsection when, in its discretion, the county deems such higher elevations to be necessary.

- (8) *Standards for areas of shallow flooding (AO zones)*. Located within the areas of special flood hazard established in section 62-4005 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:
- a. All new construction and substantial improvements of residential structures 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 finished grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent finished grade.
 - b. All new construction and substantial improvements of nonresidential structures shall:
 1. 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 feet above the highest adjacent grade; or
 2. Together with attendant utility and sanitary facilities, be completely floodproofed to a minimum of 12 inches 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.
 - c. All new construction and substantial improvements shall have adequate drainage paths provided around structures on slopes, to guide floodwaters around and away from structures.

SECTION 2. CONFLICTING PROVISIONS. In the case of a direct conflict between any provision of this Ordinance and a portion or provision of any other appropriate federal, State, or County law, rule, code or regulation, the more restrictive shall apply.

SECTION 3. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 4. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Office of the Secretary of state, State of Florida within ten (10) days of enactment. This Ordinance shall take effect ninety (90) days after adoption.

SECTION 5. INCLUSION IN CODE. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the code of Ordinances of Brevard County, Florida, and that the sections of this Ordinance may be renumbered or re-lettered and that the word ordinance may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intensions.

DONE, ORDERED, AND ADOPTED, in regular session, this _____ day of _____, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel Sadoff, Clerk of Court

By: _____

Jason Steele, Chair

As approved by the Board on: _____

DRAFT