

# Escambia County Land Development Code

## **DISCLAIMER:**

This is for general information on the land use regulations within the unincorporated areas of Escambia County. Please note that Escambia County regularly amends its land use regulations and that recent amendments may not yet be shown on this website. Accordingly, when buying, selling, or developing land in Escambia County, please come in to our office & speak with a Front Counter Planner for assistance on the most current regulations affecting your property.

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5/2010

## Article 10 FLOODPLAIN MANAGEMENT\*

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\***Cross references:** Performance standards for stormwater management, pt. III, § 7.15.00.

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10.00.00. Purpose.

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10.03.00. Provisions for flood hazard reduction.

### **10.00.00. Purpose.**

Inasmuch as the flood hazard areas of Escambia County are subject to periodic inundation which can result in loss of life, property, health, and safety, and which can disrupt commerce and governmental services and which can cause extraordinary public expenditures for flood protection and relief and which can impair the tax base of the county and otherwise adversely affect the public health, safety and general welfare and because these flood losses are caused by the cumulative effect of obstruction in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise protected from flood damages, this article is designed to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. Towards this end the provisions of this article are designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage;
- C. Regulate the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- D. Regulate filling, grading, dredging and other development, which may increase erosion or flood damage;
- E. Regulate the construction of flood barriers which will unnaturally divert floodwater or which may increase flood hazards to other lands.
- F. Minimize or prohibit certain activities or land uses which may adversely affect the environment, and encourage conservation of floodplain natural features through compatible uses; and

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G. Identify the floodplains in the unincorporated areas of Escambia County and, using all available information, those wetland areas that function as groundwater recharge areas.

*10.00.01. Objectives.* The objectives of this article are:

- A. To protect human life, health and to eliminate or minimize surge damage;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding that are generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions; and to comply with the flood zone regulations;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges and culverts located in floodplains;
- F. To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
- G. To insure that potential homebuyers are notified that property is in a flood area.

*10.00.02. Effective date.* This article shall become effective September 29, 2006.

(Ord. No. 2006-4, § 2, 1-5-2006; Ord. No. 2006-71, § 1, 9-7-2006)

#### **10.01.00. General provisions.**

*10.01.01. Lands to which this article applies.* This article shall apply to all areas of special flood hazard within the jurisdiction of Escambia County, except areas of Escambia County under the jurisdiction of other governmental agencies having independently qualified under the permanent Federal Flood Insurance Program. Floodplain management regulations for lands under the jurisdiction of the Santa Rosa Island Authority are contained in article 13 of this Code.

*10.01.02. Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in the flood insurance study (FIS) for Escambia County, dated September 29, 2006, with accompanying maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this article. The flood insurance study and flood insurance rate map are on file with the department of planning and zoning.

*10.01.03. Definitions.* For purposes of article 10, the following definitions shall apply:

*Accessory structure (appurtenant structure).* A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal

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flood damage potential. Examples of accessory structures are detached garages, detached carports, storage sheds, pole barns and hay sheds.

*Appeal.* An appeal is a request for review of the floodplain administrator's interpretation of any provision of this article or a request for a variance by the board of adjustment.

*Area of shallow flooding.* A designated AO or AH Zone on the community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard.* The land within a flood plain subject to a one percent or greater chance of flooding in any given year, designated as zones A, AE, AO, AH or VE.

*Base flood.* The flood having one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" and the "regulatory flood").

*Base flood elevation.* The water-surface elevation associated with the base flood, as established by the flood insurance rate map (FIRM) or the flood insurance study (FIS), as applicable.

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

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

*Building.* See "Structure."

*Coastal high hazard area (CHHA).* Pursuant to F.S. § 163.3178(2)(h), the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, as it is defined in article 3, section 3.00.01 of this Code. Additionally, coastal high hazard area shall include, an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources designated as zone VE.

*Datum.* A reference surface used to ensure that all elevation records are properly related. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

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

*Elevated building.* A nonbasement building built to have the lowest floor elevated above the ground level by foundation walls, posts, piers, columns, pilings, or shear walls.

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*Encroachment.* The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which in the opinion of the flood administrator, may impede or alter the flow capacity of a floodplain.

*Existing construction or existing structures.* Any structure for which the "start of construction" commenced before September 30, 1977, the effective date of the first Escambia County Flood Plain Management Regulations.

*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 30, 1977, the effective date of the first Escambia County Flood Plain Management Regulations.

*Expansion to an existing manufactured home park or subdivision.* 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 or flooding.*

- 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.
  - 2. The unusual and rapid accumulation or runoff of surface water from any source.
  - 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph A.2. of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas as when earth is carried by a current of water and deposited along the path of the current.
  
- B. The collapse or subsidence of land along a shore of a lake or other body of water as the 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 a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph A.1., above.

*Flood insurance rate map (FIRM).* The official map of the community, issued by FEMA, which delineates both the areas of special flood hazard and the risk premium zones applicable to the county.

*Flood insurance study (FIS).* The official hydraulic and hydrologic report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards, and if appropriate, corresponding water surface elevations.

*Floodplain.* Any land area susceptible to being inundated by water from any source (see definition of "flooding").

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*Floodplain administrator.* The individual appointed to administer and enforce the floodplain management regulations of the community. (NOTE: Pursuant to section 10.02.00, Administration, of the Land Development Code, the assistant county administrator, or designee, is designated as the floodplain administrator.)

*Floodplain management.* The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

*Floodplain management regulations.* This article and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power which control development in floodprone areas. The term describes federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

*Floodproofing.* Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

*Floodway fringe.* That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

*Freeboard.* The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, bridge openings and hydrologic effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected frequency flood and floodway conditions.

*Free of obstruction.* A condition in which the flow of velocity water and wave action beneath the lowest horizontal structural member of the lowest floor of an elevated building during a base flood event is unimpeded.

*Functionally dependent facility/use.* A facility which requires access or reasonable proximity to a water body, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities.

*Hardship/unique hardship.* A hardship results if due to circumstances involving the parcel's size, location, configuration or geotechnical condition, the strict application of this article:

- A. Renders the parcel unusable; or
- B. Denies the owner of the same development rights commonly enjoyed by similarly situated property owners who are in compliance with the ordinance.

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*10.02.03. Duties and responsibilities of the floodplain administrator.* Under this article, duties of the floodplain administrator shall include, but not be limited to:

- A. Reviewing of all floodplain development permits to assure that the permit requirements of this article have been satisfied.
- B. Advising permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- C. Notifying adjacent communities and the Department of Community Affairs, Division of Resource Planning and Management, State of Florida, Northwest Florida Water Management District, and FEMA prior to any alteration or relocation of a watercourse, and submitting evidence of such notification to the Federal Emergency Management Agency.
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- E. Verifying and recording the actual elevation (in relation to mean sea level) of the lowest floor (A zones) (including basement) of all new or substantially improved structures, in accordance with section 10.02.02.E., or bottom of lowest horizontal member of lowest floor (V zones).
- F. Verifying and recording the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with section 10.02.02.E.
- G. In coastal high hazard areas (coastal A zones and V zones), certification shall be obtained from a registered professional engineer or architect that the structure is designed and securely anchored to adequately anchored pilings or columns in order to withstand velocity water and hurricane wave wash. Additionally in coastal high hazard areas, if the area below the lowest horizontal structural member of the lowest floor is enclosed, it may be done so with open wood lattice and insect screening or with nonsupporting breakaway walls that meet the standards of article 5, section E(6) [sic] of this ordinance [article];
- H. In coastal high hazard areas, the building official, shall review plans for adequacy of breakaway walls in accordance with this Code.
- I. When floodproofing is utilized for a nonresidential structure, the building official shall require the following certification of the design from a registered professional engineer or architect:
  - 1. That all area of the building below the required elevation (four feet above BFE) are watertight with walls substantially impermeable to the passage of water; and
  - 2. That the building's structural components have the capability to resist hydrostatic and hydrodynamic loads and the effects of buoyancy pursuant to section 10.03.02.B of this article.
- J. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions),

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the floodplain administrator shall make the necessary interpretation with the assistance of the county engineer. A person contesting the location of the boundary may appeal the interpretation as provided in section 2.04.00 in this Code.

K. When base flood elevation data or floodway data have not been provided in accordance with section 10.02.02, then the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of section 10.03.00 et seq.

L. All records pertaining to the provisions of this article shall be maintained in the office of the floodplain administrator and shall be open for public inspection.

M. Notify the general public when there are proposed changes to the floodplain ordinance.

*10.02.04. Variance procedures.*

A. The board of adjustment (BOA) shall hear and decide appeals in accordance with paragraph B., below. The BOA shall also hear requests for variances in cases of hardship.

B. The BOA shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.

C. Any person aggrieved by the decision of the BOA or any taxpayer may appeal such decision to the BCC and then to the circuit court, as provided by Florida law.

D. Variances may be issued by the BOA for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places without regard to the procedures set forth in the remainder of this article provided that the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation. Otherwise, the requirements of this article shall apply.

E. In passing upon applications for variances, the BOA shall consider all technical evaluations, all relevant factors, and all standards specified in other sections of this article, and:

1. The existence of a unique hardship;
2. The danger that materials may be swept onto other lands to the injury of others;
3. The danger of life and property due to flooding or erosion damage;
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
5. The importance of the services provided by the proposed facility to the community;
6. The necessity to the facility of a waterfront location, in the case of a functionally dependent facility, where applicable;

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7. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
8. The compatibility of the proposed use with existing and anticipated development;
9. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area;
10. The safety of access to the property in times of flood for ordinary and emergency vehicles;
11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action if applicable, expected at the site;
12. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets, and bridges;
13. The potential for and degree of environmental damage as a result of flooding including consideration of individual as well as adverse cumulative impacts.

F. Upon consideration of the factors listed above and the purposes of this article, the BOA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Code.

G. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

H. Conditions for variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historical character and design of the building.
2. Variances shall only be issued upon:
  - a. A showing of unique hardship;
  - b. A showing of good and sufficient cause; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

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4. The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency or the Florida Department of Community Affairs upon request.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2006-4, § 2, 1-5-2006; Ord. No. 2008-40, § 1, 6-5-2008)

**10.03.00. Provisions for flood hazard reduction.**

*10.03.01. General standards.* In all areas of special flood hazard, the following provisions are required:

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities including ductwork shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- I. Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this article shall meet the requirements of new construction as contained in this Code.
- J. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this article and Code, shall be permitted and undertaken only if said nonconformity is not furthered, extended or replaced.
- K. All applicable additional federal, State of Florida, and local permits shall be obtained and submitted to the floodplain administrator. Copies of such permits shall be maintained on file with the development permit. State of Florida permits may include, but not be limited to the following:

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1. *Northwest Florida Water Management District:* In accordance with F.S. § 373.036(2)(a), Flood Protection and Floodplain Management.
2. *Department of Community Affairs:* In accordance with F.S. § 380.05, Areas of Critical State Concern, and F.S. ch. 553, pt. IV, Florida Building Code.
3. *Department of Health:* In accordance with F.S. § 381.0065, Onsite Sewage Treatment and Disposal Systems.
4. *Department of Environmental Protection, Coastal Construction Control Line:* In accordance with F.S. § 161.053, Coastal Construction and Excavation.

L. Structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other hazardous or toxic materials shall be located outside of floodprone or floodplain areas to the extent possible and feasible. If these facilities cannot be located outside floodprone or floodplain areas, the design and construction of such facilities shall be floodproofed in accordance with the following standards:

1. A registered professional structural engineer or architect shall certify that the building has been designed and constructed so that the structure and attendant facilities are watertight and capable of resisting the effects of the regulatory flood below protection elevation established in the article.
2. The design must take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effect of buoyancy, and impacts from debris.

M. Limit the alteration of natural floodplains, stream channels, and natural protection barriers which are involved in the accommodation of floodwaters. This includes restrictions or prohibitions on unnecessary or incompatible filling, grading, dredging, drainage, and other development which will result in a damaging increase in erosion, habitat, destruction, or adverse impacts on the water quality treatment function of the floodplain.

N. New solid waste disposal sites within floodprone and floodplain areas are prohibited.

O. Adequate buffers to reduce any adverse impact from forestry activities are required.

*10.03.02. Specific standards.* In all areas of special flood hazard where base flood elevation data have been provided, as set forth in sections 10.02.02, 10.03.01 or 10.03.03, the following provisions are required:

A. *Residential construction.* All new construction or substantial improvement of any residential structure (including manufactured home) shall have the lowest floor, including basement, elevated to either of the following:

1. Three feet above the base flood elevation or eight inches above the back of curb with a minimum of two percent slope to the structure, whichever is greater.
2. In cases where the lot is down gradient from the road, the finished floor shall be as per the designated elevation provided by either the subdivision grading plan or a lot grading plan, which shall be a minimum

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