



FLORIDA DIVISION OF EMERGENCY MANAGEMENT

Office of Floodplain Management

GUIDANCE FOR ACCESSORY STRUCTURES: Non-elevated, wet floodproofed in flood hazard areas

Office of Floodplain Management

Florida Division of Emergency Management

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OBJECTIVE: This guidance explains the provisions and limitations added to the 8th Edition Florida Building Code, Residential, to authorize certain accessory structures in flood hazard areas to be wet floodproofed instead of elevated. It also provides model ordinance language for administrative variances to authorize non-elevated accessory structures larger than the size limit in the FBCR in Zones A/AE.

DESCRIPTION: In February 2020, FEMA released FEMA Policy #104-008-03, a policy defining agricultural structures and accessory structures and specifying conditions and limitations that must be imposed when communities allow property owners to build those structures using wet floodproofing techniques instead of complying with the NFIP requirements to elevate or dry floodproof nonresidential structures. In August 2020, FEMA published FEMA P-2140, *Floodplain Management Bulletin: Requirements for Agricultural Structures and Accessory Structures*. The Bulletin and Policy are available here: www.fema.gov/media-collection/floodplain-management-requirements-agricultural-and-accessory-structures

The FDEM Office of Floodplain Management (OFM) developed this guidance for accessory structures based on the Policy and Bulletin. It was reviewed by floodplain management specialists with FEMA Region IV. The OFM prepared separate guidance for accessory structures. www.floridadisaster.org/dem/mitigation/floodplain/community-resources/ (Guidance, Ordinance Amendments, FBC Amendments, and Sample Forms).

Accessory structures may be elevated or dry floodproofed to or above the Base Flood Elevation plus one foot.

The 8th Edition FBC, Residential includes requirements shown below for non-elevated detached accessory structures and detached garages in flood hazard areas (Zone A/AE and Zone V/Coastal A Zone). The requirements are based on changes proposed by FEMA for the 2024 International Residential Code. The size limits specified in the FBC, Residential, are established in FEMA P-2140.

IMPORTANT NOTES!

ZONING SIZE LIMITS: Some communities limit the size of accessory structures in zoning ordinance. Local size limits that are smaller prevail over the sizes specified in the 8th Edition FBC Residential.

PRIOR ADOPTION: Since 2021, some Florida communities adopted requirements for wet floodproofed accessory structures in their floodplain management regulations. Those requirements are consistent with the FBC, Residential, and **may remain**.

COMMUNITY RATING SYSTEM: The NFIP Community Rating System advises that communities are not required to submit Elevation Certificates for wet floodproofed accessory structures (see NFIP/CRS Update February/March 2021).

NON-RESIDENTIAL ACCESSORY STRUCTURES: The FBC Building treats accessory structures like other structures, although ASCE 24 permits some Flood Design Class 1 accessory storage structures to be wet floodproofed. FBCB Section 117 authorizes variances in flood hazard areas, which allows consideration of non-elevated accessory structures larger than 600 sq ft.

Zone A/AE: In flood hazard areas other than coastal high hazard areas and Coastal A Zone:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 1 foot (305 mm), or not less than 3 feet (915 mm) if a depth number is not specified.
3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.

4. Attached garages and carports shall comply with one of the following:

- 4.1. The floors shall be elevated to or above the elevations required in Item 1 or Item 2, as applicable.
- 4.2. The floors shall be at or above grade on not less than one side. Where an attached garage or carport is enclosed by walls, the walls shall have flood openings that comply with Section R322.2.2 and the attached garage or carport shall be used solely for parking, building access or storage.

5. Detached accessory structures and detached garages shall comply with either of the following:

- 5.1. The floors shall be elevated to or above the elevations required in Item 1 or Item 2, as applicable.
- 5.2. The floors are permitted below the elevations required in Item 1 or Item 2, as applicable, provided such detached structures comply with all of the following:
 - 5.2.1. Are used solely for parking or storage.
 - 5.2.2. Are one story and not larger than 600 square feet (56 m²).
 - 5.2.3. Are anchored to resist flotation, collapse or lateral movement resulting from design flood loads.
 - 5.2.4. Have flood openings that comply with Section R322.2.2.
 - 5.2.5. Are constructed of flood damage resistant materials that comply with Section R322.1.8.
 - 5.2.6. Have mechanical, plumbing and electrical systems, if applicable, that comply with Section R322.1.6.

Exception: Enclosed areas below the elevation required in this section, including basements with floors that are not below grade on all sides, shall meet the requirements of Section R322.2.2.

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R322.3.2 Elevation requirements.

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot (305 mm) or the design flood elevation, whichever is higher. Where stem wall foundations are permitted in Coastal A Zones in accordance with Section R322.3.3, the bottom of the lowest horizontal structural member supporting the lowest floor is the top of the foundation wall, or top of the portion of the foundation wall, supporting the slab.
2. Basement floors that are below grade on all sides are prohibited.
3. **Attached garages** used solely for parking, building access or storage, and carports shall comply with Item 1 or shall be at or above grade on not less than one side and, if enclosed with walls, such walls shall comply with Item 7.
4. **Detached accessory structures and detached garages** shall comply with either of the following:
 - 4.1. The bottom of the lowest horizontal structural member supporting the floors shall be elevated to or above the elevation required in Item 1.
 - 4.2. The floors are permitted below the elevations required in Item 1, provided such detached structures comply with all of the following:
 - 4.2.1. Are used solely for parking or storage.
 - 4.2.2. Are one story and not larger than 100 square feet (9.29 m²).
 - 4.2.3. Are anchored to resist flotation, collapse or lateral movement resulting from design flood loads.
5. The use of fill for structural support is prohibited.
6. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and or support of parking slabs, pool decks, patios and walkways.
7. Walls and partitions enclosing areas below the elevation required in this section shall meet the requirements of Sections R322.3.5 and R322.3.6.

Administrative Variances: Accessory structures in Zone A/AE between 600 and 1,200 square feet in area. Communities that expect requests for larger non-elevated wet floodproofed accessory structures may modify their floodplain management regulations to adopt FEMA-approved provisions for **administrative variances** for wet floodproofed accessory structures in Zone A/AE that are between 600 and 1,200 square feet in area. FEMA does not provide this option for larger accessory structures in Zone V. **See ordinance language below.**

Variances: Accessory structures in Zone A/AE larger than 1,200 square feet in area. Communities must process requests for non-elevated wet floodproofed accessory structures in Zone A/AE that are larger than 1,200 square feet in area in accordance with the variance provisions of their ordinances (not as administrative variances). They should adopt specific criteria for those variances. **See ordinance language below.**

FBC Section 117 Provides for Variances to Flood Requirements.

As authorized by sec. 553.75(5), the FBC provides for variances to the flood requirements of the code. Amending local floodplain management ordinances to provide for variances for accessory structures is an exercise of the authority to consider variances.

IMPORTANT NOTE!

All communities that amend their local floodplain regulations or the FBC must submit draft ordinances to the OFM at least 30 days before presenting proposals to planning boards or elected officials.

Please put the community name in the subject line and send to floods@em.myflorida.com.

Or send a request for the OFM to work with you to prepare a draft.

ORDINANCE NO. XX-XX

AN ORDINANCE BY THE {community’s governing body} AMENDING THE {name of community} LAND DEVELOPMENT CODE TO AMEND {insert appropriate chapter/section numbers} TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in **{Chapter 125 – County Government or Chapter 166 – Municipalities}**, 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 Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the **{community’s governing body}** has determined it appropriate to adopt variance provisions that are consistent with the FEMA Policy to consider variances for non-elevated wet floodproofed accessory structures that are larger than the sizes specified in the FEMA Policy.

NOW, THEREFORE, BE IT ORDAINED by the **{community’s governing body}** of the **{name of community}** that the **{insert appropriate chapter/section numbers}** is amended as set forth in the following amendments, as shown in strikethrough and underline format in Section 1.

SECTION 1. This ordinance specifically amends the {insert chapter/section}:

{Add a new definition / Modify a definition} as follows:

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is limited to parking and storage incidental to the use of the principal structure.

In Section XXX Variances and Appeals, at the end, add a new Section XXX.X as follows:

OPTION FOR ADMINISTRATIVE VARIANCE by the city/county manager or department head:

Section XXX.X. Certain non-elevated accessory structures. A request for a variance is authorized to be heard and decided by [insert position] for the construction or substantial improvement of non-elevated accessory structures located in special flood hazard areas (zone A/AE) other than coastal high hazard areas that are larger than the size limits specified in Section XXX.X, provided the requirements of this section are satisfied, the accessory structures are used only for parking or storage, and the accessory structures:

[insert position]

The position that has authority to hear and decide administrative variances must be a manager or department head, not the position designated as the floodplain administrator.

- (1) Represent minimal investment and has low damage potential.
- (2) Are one story and not larger than 1,200 square feet in size, and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
- (5) Have mechanical, plumbing, and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

OPTION FOR STANDARD VARIANCE by the entity identified to hear and decide on variance requests:

Section XXX.X. Non-elevated accessory structures. A variance is authorized to be issued for the construction or substantial improvement of accessory structures that are below the elevations required by the Florida Building Code, provided the requirements of this section are satisfied, the accessory structures are used only for parking or storage and the accessory structures:

[insert size]

FEMA cautions communities to specify an upper limit that can be justified based on knowledge of the community. An arbitrarily high square footage must not be used. Factors to consider include whether larger accessory structures are likely to be used for more than parking and storage or illegally converted to other occupancies. FEMA advises that variances should not be granted for larger accessory structures in Zone V.

- (1) Represent minimal investment and has low damage potential.
- (2) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one story and larger than the size limits specified in Section XXX.X but not larger than [insert size], square feet in size, and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
- (5) Have mechanical, plumbing, and electrical systems, including plumbing fixtures,

elevated to or above the base flood elevation plus one (1) foot.

SECTION 2. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in **{insert name of community or all unincorporated areas of the county}**. This ordinance shall apply to all applications for development submitted on or after the effective date of this ordinance.

SECTION 3. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the **{community's governing body}** that the provisions of this ordinance shall become and be made a part of the **{name of community's}** Code of Ordinances and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect on **{insert date}**.

Use the community's standard signature block.