

ORDINANCE NO. 98-16

AN ORDINANCE TO BE ENTITLED THE HERNANDO COUNTY COASTAL CODE ORDINANCE; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR STRUCTURAL REQUIREMENTS FOR HABITABLE STRUCTURES; PROVIDING FOR STRUCTURAL REQUIREMENTS FOR NONHABITABLE STRUCTURES; PROVIDING FOR STRUCTURAL REQUIREMENTS FOR MINOR STRUCTURES; PROVIDING FOR ENFORCEMENT OF THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS, HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. SHORT TITLE

The provisions contained herein shall constitute the Coastal Construction Code for construction within the coastal building zone and coastal barrier islands in Hernando County and shall be referred to as the "Coastal Code".

SECTION 2. INTENT

The purpose of the Coastal Code is to provide minimum standards for the design and construction of buildings and structures to reduce the harmful effects of hurricanes and other natural disasters occurring along the coastal areas of Hernando County which front on the Gulf of Mexico. These standards are intended to specifically address design features which affect the structural stability of the beach, dunes, and topography of adjacent properties. The Coastal Code is site specific to the coastal building zone and coastal barrier islands as defined herein, and is not applicable to other locations. In the event of a conflict between this section and other sections of this code, the requirements resulting in more restrictive design shall apply. No provisions in this Ordinance shall be construed to permit any construction in any area prohibited by County or State regulation.

SECTION 3. APPLICABILITY

A. The requirements of this Coastal Code shall apply to the following types of construction in the coastal building zone in Hernando County:

- (1) The new construction of, or improvement to, major structures, nonhabitable major structures, and minor structures as defined herein.
- (2) Construction which would change or alter the character of the shoreline (e.g. excavation, grading, paving). The Coastal Code does not apply to minor work in the nature of normal beach cleaning or debris removal.

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B. Existing Structures

The requirements of this Ordinance shall not apply to existing structures, structures under construction, or structures for which a valid and unexpired municipal or county building permit was issued prior to the adoption of the Coastal Code.

C. Multi-Zone Structures

For structures located partially in the coastal building zone, the requirements of the Coastal Code shall apply to the entire structure.

D. Construction Seaward of Mean High Water

Structures or construction extending seaward of the mean high water line, which are regulated by Section 161.041, Florida Statutes, (e.g. groins, jetties, moles, breakwaters, seawalls, revetments, beach nourishment, inlet dredging, etc.), are specifically exempt from the provisions of this Ordinance. In addition, the Coastal Code does not apply to piers, pipelines, or outfalls which are regulated pursuant to the provisions of Section 161.053, Florida Statutes.

E. Applications for Permits

Applications for building permits for all construction in the coastal building zone and on coastal barrier islands, if not of normal or usual design as determined by the Building Official, shall be certified as to compliance with the Ordinance by an architect or professional engineer registered in the State of Florida. Such certification shall state that the design plans and specifications for the construction are in compliance with the criteria established by this Coastal Code. The architect or engineer must submit written certification that the structure was built according to the plans.

SECTION 4. DEFINITIONS

The following terms are defined for general use in the Coastal Code:

A. **"Beach"** means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

"Beach" is alternatively termed **"shore"**.

B. **"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 runoff forces associated with the design storm surge. Under such conditions, the wall shall fail in a manner such that it breaks up into components that will minimize the potential for damage to life or adjacent property.

C. **"Building Support Structure"** means any structure which supports floor, wall, or column loads and transmits them to the foundation. The term shall include beams, grade beams,

or joists, and includes the lowest horizontal structural member exclusive of piles, columns, or footings.

D. **"Coastal Barrier Islands"** means geological features which are completely surrounded by marine waters that front upon the open waters of the Gulf of Mexico and are composed of quartz sands, clays, limestone, oolites, rock, coral, coquina, sediment, or other material, including soil disposal, which features lie above the line of mean high water. Mainland areas which were separated from the main land by artificial channelization for the purpose of assisting marine commerce shall not be considered coastal barrier islands.

E. **"Coastal Building Zone"** means the most landward velocity zone line as established by the Federal Emergency Management Agency Flood Insurance Rate Maps.

F. **"Column Action"** means the potential elastic instability in piles or columns resulting in axial or lateral bending of the member due to compressive stress.

G. **"Construction"** means the carrying out of any building, clearing, filling, or excavation, or substantial improvement in the size or use of any structure or the appearance of any land. When appropriate to the context, **"construction"** refers to the act of construction or the result of construction.

H. **"Dune"** means a mound or ridge of loose sediments, usually sand-sized, lying landward of the beach, and deposited by natural or artificial means.

I. **"Major Structure"** includes, but is not limited to, residential buildings including mobile homes, commercial, institutional, industrial, and other construction having the potential for substantial impact on coastal zones.

J. **"Mean High Water Line"** means the intersection of the tidal plane of mean high water with the shore. Mean high water is the average height of high waters over a 19-year period. (See Section 177.27(15), F.S.)

K. **"Minor Structure"** includes, but is not limited to, pile-supported, elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported elevated viewing platforms, gazebos and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts, and other uncovered paved areas; earth retaining walls; sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave, and storm forces.

L. **"Nonhabitable Major Structure"** includes, but is not limited to, swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures, and other water

retention structures; water and sewage treatment plants; electrical power plants, transmission and distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; underground storage tanks; communications buildings and towers; flagpoles and signs over 15 feet in height.

M. **"NGVD"** means National Geodetic Vertical Datum - a geodetic datum established by the National Ocean Service and frequently referred to as the 1929 Mean Sea Level Datum.

N. **"State Minimum Building Codes"** means the recognized model building construction codes as identified in s. 553.73.

O. **"Department"** means the Department of Natural Resources.

P. **"Substantial Improvement"** means any repair, reconstruction, rehabilitation, or improvement of a structure, where the actual cost of the improvement or repair of the structure to its pre-damage condition equals or exceeds, over a 5-year period, a cumulative total of 50 percent of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred.

The cumulative total cost does not include nonstructural interior finishings or roof coverings except when determining whether the structure has been substantially improved as a result of a single improvement or repair.

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 either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

SECTION 5. GENERAL COASTAL CONSTRUCTION REQUIREMENTS

A. Construction within the coastal building zone and on coastal barrier islands shall meet the requirements of this Ordinance. All structures shall be designed so as to minimize damage to life, property, and the natural environment. Assistance in determining the design parameters and methodologies necessary to comply with the requirements of this Ordinance may be obtained from:

- (1) Shore Protection Manual, U.S. Army Corps of Engineers, 4th Edition, 1984.
- (2) U.S. Department of the Army, Coastal Engineering Research Center's Technical Papers and Reports.
- (3) Florida Department of Natural Resources, Division of Beaches and Shores

Technical and Design Memoranda.

- (4) Naval Facilities Engineering Command Design Manual, NAVFAC DM-26, U.S. Department of the Navy.

B. Location of Construction

Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. Construction, including excavation, may occur to the extent that the natural storm buffering and protection capability of the dune is not diminished.

C. Public Access

Where the public has established an access way through private lands to lands seaward of mean high tide or water line by prescription, prescriptive easement, or any other legal means, development or construction shall not interfere with such right of access unless a comparable alternative access way is provided. The developer shall have the right to improve, consolidate, or relocate such public access ways so long as they are:

- (1) of substantially similar quality and convenience to the public;
- (2) approved by the local government;
- (3) approved by the department whenever improvements are involved seaward of the coastal construction control line; and
- (4) consistent with the coastal management element of the local comprehensive plan adopted pursuant to Section 163.3178, Florida Statutes.

D. Structural Requirements for Major Structures

(1) Major structures shall conform to the state minimum building code in effect in the jurisdiction.

(2) Major structures shall be designed, constructed, and located in compliance with National Flood Insurance Program regulations as found in 44 C.F.R. Parts 59 and 60 or the local flood damage prevention ordinance, whichever is more restrictive.

(3) Major structures shall, at a minimum, be designed and constructed in accordance with section 1606 of the 1997 Standard Building Code using a fastest mile-wind velocity of 110 miles per hour. This does not preclude use of a locally adopted building code which is more restrictive.

(4) Foundation design and construction of a major structure shall consider all anticipated loads resulting from a 100-year storm event, including wave, hydrostatic, and hydrodynamic loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour-producing forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for adequate bearing capacity taking into consideration the anticipated loss of soil above the design grade as a result of localized scour. The erosion computations required by this paragraph do not apply landward of coastal construction control lines which have been established or updated since June 30, 1980. Upon request, the department may

provide information and guidance as to those areas within the coastal building zone where the erosion and scour of a 100-year storm event is applicable.

SECTION 6. STRUCTURAL REQUIREMENTS FOR MINOR STRUCTURES

Minor structures need not meet specific structural requirements provided in Section 5, except for the requirements of paragraph D(2) and except for applicable provisions of the state minimum building code in effect in the jurisdiction. Such structures shall be designed to produce the minimum adverse impact on the beach and the dune system and adjacent properties, and to reduce the potential for water or wind-blown material. Construction of a rigid coastal or shore protection structure designed primarily to protect a minor structure shall not be permitted.

SECTION 7. STRUCTURAL REQUIREMENTS FOR NONHABITABLE MAJOR STRUCTURES

Nonhabitable major structures need not meet the specific structural requirements of Section 5, except for the requirements of paragraph D(2) and except for applicable provisions of the state minimum building code in effect in the jurisdiction. Such structures shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with any applicable state and local standards not found in this section. All sewage treatment plants and public water supply systems shall be flood proofed to prevent infiltration of surface water from a 100-year storm event. Underground utilities, excluding pad transformers and vaults, shall be flood proofed to prevent infiltration of surface water from a 100-year storm event or shall otherwise be designed so as to function when submerged by such storm event.

SECTION 8. ENFORCEMENT

The provisions of this Ordinance shall be enforced by the Hernando County Building Division, Code Enforcement Officers, and other County Law Enforcement Agencies as appropriate, proper, and necessary.

Nothing in ss. 161.52-161.58 shall be construed to limit or abrogate the right and power of the department to require permits or to adopt and enforce standards pursuant to s. 161.041 or s. 161.053 for construction seaward of the coastal construction control line that are as restrictive as, or more restrictive than, the requirements provided in s. 161.55 or the rights or powers of local governments to enact and enforce setback requirements or zoning or building codes that are as restrictive as, or more restrictive than, the requirements provided in s. 161.55.

SECTION 9. INCLUSION IN THE CODE

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance

may be renumbered or relettered to accomplish such intention, and that the word "**ordinance**" may be changed to "**section**", "**article**", or other appropriate designation.

SECTION 10. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION 11. REPEALER CLAUSE

Upon the effective date of this ordinance, those previously enacted ordinances and amendments thereto which regulate the construction activities addressed by this ordinance, namely Hernando County Ordinance No. 92-31 and subsequent amendments thereto, are hereby repealed.

SECTION 11. EFFECTIVE DATE

This Ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

ADOPTED in Regular Session this 19th day of May, 1998, A.D.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest *Michelle Huntsman*
KAREN NICOLAI, CLERK *Deputy Clerk*

By *Hannah M. Robinson*
HANNAH M. ROBINSON, CHAIRWOMAN

