



FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

January 31, 2014

Honorable Don Barbee Jr.  
Clerk of the Circuit Court  
Hernando County  
Room 131, 20 North Main Street  
Brooksville, Florida 34601-2800

Attention: Ms. Shannon Andrews, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2014-1, which was filed in this office on January 31, 2014.

Sincerely,

Liz Cloud  
Program Administrator

LC/elr

Enclosure

## Shanna Andrews

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**From:** Hall, Mario R. <Mario.Hall@dos.myflorida.com>  
**Sent:** Friday, January 31, 2014 3:48 PM  
**To:** Shanna Andrews  
**Cc:** County Ordinances  
**Subject:** RE: Hernando County Ordinances  
**Attachments:** Hernando 2014-1 - Ack.pdf

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**From:** Shanna Andrews [<mailto:sandrews@co.hernando.fl.us>]  
**Sent:** Friday, January 31, 2014 3:40 PM  
**To:** County Ordinances  
**Subject:** Hernando County Ordinances

<b>Sender Full Name:</b>	<b>Shanna Andrews</b>
<b>Sender Phone number:</b>	<b>352-754-4970</b>
<b>County Name:</b>	<b>Hernando</b>
<b>Ordinance Number:</b>	<b>2014-01</b>

*Shanna Andrews*  
*Administrative Services*

Hernando County Clerk of Circuit Court  
20 N. Main Street, Room 131  
Brooksville, FL 34601  
Phone (352) 754-4970  
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ORDINANCE NO. 2014-1

1  
2  
3 AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES,  
4 APPENDIX A, (ZONING) ARTICLE II (GENERAL REGULATIONS), SECTION 2  
5 (GENERAL REGULATIONS FOR STRUCTURES AND USES) BY DELETING  
6 SUBSECTION (D)(4) (LAND SUBJECT TO FLOODING; BY REPEALING ARTICLE I  
7 (IN GENERAL), ARTICLE II (ADMINISTRATION), AND ARTICLE III (FLOOD  
8 HAZARD REDUCTION PROVISIONS) OF CHAPTER 13 FLOOD DAMAGE  
9 PREVENTION AND PROTECTION) IN THEIR ENTIRETY; AND BY CREATING A  
10 NEW CHAPTER 13 (FLOOD DAMAGE PREVENTION AND PROTECTION)  
11 ADOPTING ARTICLE I (ADMINISTRATION), ARTICLE II (APPLICABILITY),  
12 ARTICLE III (DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR),  
13 ARTICLE IV (PERMITS), ARTICLE V (SITE PLANS AND CONSTRUCTION  
14 DOCUMENTS), ARTICLE VI (INSPECTIONS), ARTICLE VII (VARIANCES AND  
15 APPEALS), ARTICLE VIII (VIOLATIONS), ARTICLE IX (DEFINITIONS), ARTICLE  
16 X (FLOOD RESISTANT DEVELOPMENT, BUILDINGS AND STRUCTURES),  
17 ARTICLE XI (SUBDIVISIONS), ARTICLE XII (SITE IMPROVEMENTS, UTILITIES  
18 AND LIMITATIONS), ARTICLE XIII (MANUFACTURED OR MOBILE HOMES),  
19 ARTICLE XIV (RECREATIONAL VEHICLES AND PARK TRAILERS), ARTICLE XV  
20 (TANKS), ARTICLE XVI (OTHER DEVELOPMENT ), ARTICLE XVII (CRITICAL  
21 FACILITIES ); BY AMENDING CHAPTER 8 (BUILDING AND BUILDING  
22 REGULATIONS), ARTICLE II (CONSTRUCTION), DIVISION 4 (FLORIDA  
23 BUILDING CODE), SECTION 8-89 (SCOPE AND ADMINISTRATION); BY ADDING  
24 SECTION 8-99 (TECHNICAL AMENDMENT TO THE FLORIDA BUILDING CODE,  
25 RESIDENTIAL, RELATED TO FLOOD RESISTANCE IN ORDER TO IMPLEMENT  
26 THE NATIONAL FLOOD INSURANCE CODE), SECTION 8-100 (TECHNICAL  
27 AMENDMENT TO THE FLORIDA BUILDING CODE, BUILDING, RELATED TO  
28 FLOOD RESISTANCE IN ORDER TO IMPLEMENT THE NATIONAL FLOOD  
29 INSURANCE CODE) AND SECTION 8-101 (TECHNICAL AMENDMENT TO THE  
30 FLORIDA BUILDING CODE, EXISTING BUILDING, RELATED TO FLOOD  
31 RESISTANCE IN ORDER TO IMPLEMENT THE NATIONAL FLOOD INSURANCE  
32 CODE); PROVIDING FOR APPLICABILITY; REPEALING ANY PROVISIONS IN  
33 CONFLICT HERewith; PROVIDING FOR APPLICABILITY, SEVERABILITY,  
34 CONFLICTING PROVISIONS; FILING WITH THE DEPARTMENT OF STATE,  
35 PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN  
36 EFFECTIVE DATE.

37  
38 WHEREAS, the Board of County Commissioners (County) has adopted the Hernando  
39 County Comprehensive Plan within which are included goals, objectives, and policies related to  
40 the process for review and approval of certain development applications; and

41  
42 WHEREAS, Chapter 163, Part II, Florida Statutes, requires the implementation of these  
43 goals, objectives, and policies through the adoption of consistent land development regulations;  
44 and

1  
2           **WHEREAS**, the County desires to update and modernize its land development  
3 regulations, and to provide for additional criteria and standards for the flood damage prevention  
4 and protection; and

5  
6           **WHEREAS**, this proposed amendment to the Hernando County Land Development  
7 Regulations, Appendix “A”, (Zoning Code), has received public hearings before the Planning  
8 Commission, Local Planning Agency, and the Board of County Commissioners as required by  
9 state and local law; and

10  
11           **WHEREAS**, the Board of County Commissioners finds that the proposed amendment is  
12 consistent with the goals, objectives, and policies of the Comprehensive Plan.

13  
14           **WHEREAS**, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes,  
15 conferred upon local governments the authority to adopt regulations designed to promote the  
16 public health, safety, and general welfare of its citizenry; and

17  
18           **WHEREAS**, the Federal Emergency Management Agency has identified special flood  
19 hazard areas within the boundaries of Hernando County and such areas may be subject to  
20 periodic inundation which may result in loss of life and property, health and safety hazards,  
21 disruption of commerce and governmental services, extraordinary public expenditures for flood  
22 protection and relief, and impairment of the tax base, all of which adversely affect the public  
23 health, safety and general welfare, and

24  
25           **WHEREAS**, Hernando County was accepted for participation in the National Flood  
26 Insurance Program on April 17, 1984, and Hernando County desires to continue to meet the  
27 requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such  
28 participation; and

29  
30           **WHEREAS**, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to  
31 provide a mechanism for the uniform adoption, updating, amendment, interpretation and  
32 enforcement of a state building code, called the Florida Building Code; and

33  
34           **WHEREAS**, section 553.73(5), Florida Statutes, allows adoption of local administrative  
35 amendments to the Florida Building Code to implement the National Flood Insurance Program;

36  
37           **WHEREAS**, Hernando County has determined that it is in the public interest to adopt the  
38 proposed floodplain management regulations that are coordinated with the Florida Building  
39 Code;

40  
41           **WHEREAS**, the Hernando County Board of County Commissioners, is adopting a  
42 regulation to require accumulation of costs of improvements and repairs of buildings, based on  
43 issued building permits, over a 5–year period for buildings and structures in flood hazard areas  
44 for the purpose of participating in the National Flood Insurance Program’s Community Rating

1 System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with  
2 the Florida Building Code;

3  
4 **WHEREAS**, the Hernando County Board of County Commissioners is adopting a  
5 requirement to increase the minimum elevation requirement for buildings and structures in flood  
6 hazard areas and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate  
7 with the Florida Building Code; and

8  
9 **WHEREAS**, the Hernando County Board of County Commissioners is adopting a  
10 requirement to limit partitioning separate rooms in enclosed areas below the minimum elevation  
11 requirement for elevated dwellings in coastal high hazard flood areas that had previously been  
12 adopted by local ordinance prior to July 1, 2010, and, pursuant to section 553.73(5), F.S., is  
13 formatting that requirement to coordinate with the Florida Building Code.

14  
15 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of  
16 Hernando County that the following floodplain management regulations, and the following local  
17 administrative amendments to the 2010 Florida Building Code, are hereby adopted.

18  
19 **SECTION I. AMENDING HERNANDO COUNTY CODE OF ORDINANCES,**  
20 **APPENDIX A (ZONING) ARTICLE II (GENERAL REGULATIONS), SECTION 2**  
21 **(GENERAL REGULATIONS FOR STRUCTURES AND USES).** Appendix A (Zoning)  
22 of the Hernando County Code of Ordinances, Article II (General Regulations), Section 2  
23 (General Regulations for Structures and Uses), Subsection 4 (Regulation of Buildings), (D)  
24 (Land Subject to Flooding) is amended to read as follows, with underlined language added and  
25 strike through language deleted:

26  
27 (4) ~~Land subject to flooding: No building shall be moved into or constructed on land~~  
28 ~~subject to periodic or frequent flooding unless directly connected with the~~  
29 ~~measurement, control of or other uses associated with such flooding. For purposes of~~  
30 ~~this ordinance, periodic or frequent flooding shall mean a flood which may be~~  
31 ~~expected to be equaled or exceeded on the average of once in twenty five (25) years.~~  
32 ~~No person, firm, corporation or agency shall cause any fill, pavement or structure to~~  
33 ~~be set, constructed or moved within any area that lies at or below the water surface~~  
34 ~~elevation of such twenty five year floodplain unless it is shown that the water surface~~  
35 ~~elevation will not be increased by such action. The final authority for the~~  
36 ~~determination of record of water surface elevations shall be the Southwest Florida~~  
37 ~~Water Management District.~~

38  
39 **SECTION II. REPEALING ARTICLE I (IN GENERAL), ARTICLE II**  
40 **(ADMINISTRATION), AND ARTICLE III (FLOOD HAZARD REDUCTION**  
41 **PROVISIONS) OF CHAPTER 13 FLOOD DAMAGE PREVENTION AND**  
42 **PROTECTION) IN THEIR ENTIRETY.**  
43

1 **SECTION III. CREATING A NEW CHAPTER 13, (FLOOD DAMAGE PREVENTION**  
2 **AND PROTECTION).** Chapter 13, Flood Damage Prevention and Protection) of the Hernando  
3 County Code of Ordinance is amended to read as follows, with underlined language added and  
4 strike through language deleted:

5  
6 **ARTICLE I. ADMINISTRATION**

7  
8 **Sec. 13-1. Title.** ~~These regulations~~ This chapter shall be known as the Flood Damage  
9 Prevention and Protection Ordinance, hereinafter referred to as “this flood ordinance.”

10  
11 **Sec. 13-2. Scope.** The provisions of this ordinance shall apply to all development that is  
12 wholly within or partially within any flood hazard area, including but not limited to the  
13 subdivision of land; filling, grading, and other site improvements and utility installations;  
14 construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation  
15 or demolition of buildings, structures, and facilities that are exempt from the Florida Building  
16 Code; placement, installation, or replacement of manufactured homes and manufactured  
17 buildings; installation or replacement of tanks; placement of recreational vehicles; installation of  
18 swimming pools; and any other development.

19  
20 **Sec. 13-3. Intent.** The purposes of this ordinance and the flood load and flood resistant  
21 construction requirements of the Florida Building Code are to establish minimum  
22 requirements to safeguard the public health, safety, and general welfare and to minimize  
23 public and private losses due to flooding through regulation of development in flood hazard  
24 areas to:

- 25 (1) Minimize unnecessary disruption of commerce, access and public service during  
26 times of flooding;  
27 (2) Require the use of appropriate construction practices in order to prevent or  
28 minimize future flood damage;  
29 (3) Manage filling, grading, dredging, mining, paving, excavation, drilling  
30 operations, storage of equipment or materials, and other development which may  
31 increase flood damage or erosion potential;  
32 (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to  
33 minimize the impact of development on the natural and beneficial functions of the  
34 floodplain;  
35 (5) Minimize damage to public and private facilities and utilities;  
36 (6) Help maintain a stable tax base by providing for the sound use and development  
37 of flood hazard areas;  
38 (7) Minimize the need for future expenditure of public funds for flood control  
39 projects and response to and recovery from flood events; and  
40 (8) Meet the requirements of the National Flood Insurance Program for county  
41 participation as set forth in the Title 44 Code of Federal Regulations, Section  
42 59.22.  
43

1 **Sec. 13-4. Coordination with the Florida Building Code.** This ordinance is intended to be  
2 administered and enforced in conjunction with the Florida Building Code. Where cited,  
3 ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

4  
5 **Sec. 13-5. Warning.** The degree of flood protection required by this ordinance and the Florida  
6 Building Code, as amended by this county, is considered the minimum reasonable for  
7 regulatory purposes and is based on scientific and engineering considerations. Larger floods can  
8 and will occur. Flood heights may be increased by man-made or natural causes. This ordinance  
9 does not imply that land outside of mapped special flood hazard areas, or that uses permitted  
10 within such flood hazard areas, will be free from flooding or flood damage. The flood hazard  
11 areas and base flood elevations contained in the Flood Insurance Study and shown on Flood  
12 Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections  
13 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this  
14 county to revise these regulations to remain eligible for participation in the National Flood  
15 Insurance Program. No guaranty of vested use, existing use, or future use is implied or  
16 expressed by compliance with this ordinance.

17  
18 **Sec. 13-6. Disclaimer of Liability.** This ordinance shall not create liability on the part of the  
19 Board of County Commissioners of Hernando County or by any officer or employee thereof  
20 for any flood damage that results from reliance on this ordinance or any administrative  
21 decision lawfully made thereunder.

## 22 23 **ARTICLE II. APPLICABILITY**

24  
25 **Sec. 13-7. General.** Where there is a conflict between a general requirement and a specific  
26 requirement, the specific requirement shall be applicable. Where, in any specific case,  
27 requirements of this ordinance conflict with the requirements of the Florida Building Code,  
28 the most restrictive shall govern.

29  
30 **Sec. 13-8. Areas to which this ordinance applies.** This ordinance shall apply to all flood  
31 hazard areas within Hernando County as established in Section 13-9 of this ordinance.

32  
33 **Sec. 13-9. Basis for establishing flood hazard areas.** The Flood Insurance Study for  
34 Hernando County, Florida and Incorporated Areas effective February 2, 2012, and all  
35 subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps  
36 (FIRM), and all subsequent amendments and revisions to such maps, are adopted by  
37 reference as a part of this ordinance and shall serve as the minimum basis for establishing  
38 flood hazard areas. Studies and maps that establish flood hazard areas are on file at the  
39 Development Department.

40  
41 **Sec. 13-10 Submission of additional data to establish flood hazard areas.** To establish  
42 flood hazard areas and base flood elevations, pursuant to Article V of this ordinance the  
43 Floodplain Administrator or designee may require submission of additional data. Where

1 field surveyed topography prepared by a Florida licensed professional surveyor or digital  
2 topography accepted by the county indicates that ground elevations:

- 3 (1) Are below the closest applicable base flood elevation, even in areas not delineated  
4 as a special flood hazard area on a FIRM, the area shall be considered as flood  
5 hazard area and subject to the requirements of this ordinance and, as applicable,  
6 the requirements of the Florida Building Code.  
7 (2) Are above the closest applicable base flood elevation, the area shall be regulated  
8 as special flood hazard area unless the applicant obtains a Letter of Map Change  
9 that removes the area from the special flood hazard area.

10  
11 **Sec. 13-11. Other laws.** The provisions of this ordinance shall not be deemed to nullify any  
12 provisions of local, state or federal law.

13  
14 **Sec. 13-12. Abrogation and greater restrictions.** This ordinance supersedes any ordinance  
15 in effect for management of development in flood hazard areas. However, it is not intended  
16 to repeal or abrogate any existing ordinances including but not limited to land development  
17 regulations, zoning ordinances, stormwater management regulations, or the Florida Building  
18 Code. In the event of a conflict between this ordinance and any other ordinance, the more  
19 restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or  
20 easement, but any land that is subject to such interests shall also be governed by this  
21 ordinance.

22  
23 **Sec. 13-13. Interpretation.** In the interpretation and application of this ordinance, all  
24 provisions shall be:

- 25 (1) Considered as minimum requirements;  
26 (2) Liberally construed in favor of the governing body; and  
27 (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

28  
29 **ARTICLE III. DUTIES AND POWERS OF THE FLOODPLAIN**  
30 **ADMINISTRATOR**

31  
32 **Sec. 13-14. Designation.** The Administrative Official is designated as the Floodplain  
33 Administrator. The Floodplain Administrator may delegate performance of certain duties to  
34 other employees.

35  
36 **Sec. 13-15. General.** The Floodplain Administrator is authorized and directed to administer  
37 and enforce the provisions of this ordinance. The Floodplain Administrator shall have the  
38 authority to render interpretations of this ordinance consistent with the intent and purpose of  
39 this ordinance and may establish policies and procedures in order to clarify the application of  
40 its provisions. Such interpretations, policies, and procedures shall not have the effect of  
41 waiving requirements specifically provided in this ordinance without the granting of a  
42 variance pursuant to Article VII of this ordinance.  
43



1 **Sec. 13-16. Applications and permits.** The Floodplain Administrator, in coordination with  
2 other pertinent offices of the county, shall:

- 3 (1) Review applications and plans to determine whether proposed new development  
4 will be located in flood hazard areas;  
5 (2) Review applications for modification of any existing development in flood hazard  
6 areas for compliance with the requirements of this ordinance;  
7 (3) Interpret flood hazard area boundaries where such interpretation is necessary to  
8 determine the exact location of boundaries; a person contesting the determination  
9 shall have the opportunity to appeal the interpretation;  
10 (4) Provide available flood elevation and flood hazard information;  
11 (5) Determine whether additional flood hazard data shall be obtained from other  
12 sources or shall be developed by an applicant;  
13 (6) Review applications to determine whether proposed development will be  
14 reasonably safe from flooding;  
15 (7) Issue floodplain development permits or approvals for development other than  
16 buildings and structures that are subject to the Florida Building Code, including  
17 buildings, structures and facilities exempt from the Florida Building Code, when  
18 compliance with this ordinance is demonstrated, or disapprove the same in the  
19 event of noncompliance; and  
20 (8) Coordinate with and provide comments to the Building Official to assure that  
21 applications, plan reviews, and inspections for buildings and structures in flood  
22 hazard areas comply with the applicable provisions of this ordinance.

23  
24 **Sec. 13-17. Determinations for existing buildings and structures.** For applications for  
25 building permits to improve buildings and structures, including alterations, movement,  
26 enlargement, replacement, repair, change of occupancy, additions, rehabilitations,  
27 renovations, substantial improvements, repairs of substantial damage, and any other  
28 improvement of or work on such buildings and structures, the Floodplain Administrator, in  
29 coordination with the Building Official, shall:

- 30 (1) Estimate the market value based on the Property Appraiser's listed market value  
31 from the most recent certified tax rolls, or require the applicant to obtain an  
32 appraisal of the market value prepared by a qualified independent appraiser, of the  
33 building or structure before the start of construction of the proposed work; in the  
34 case of repair, the market value of the building or structure shall be the market  
35 value before the damage occurred and before any repairs are made;  
36 (2) Compare the cost to perform the improvement, the cost to repair a damaged  
37 building to its pre-damaged condition, or the combined costs of improvements  
38 and repairs, if applicable, to the market value of the building or structure;  
39 (3) Determine and document whether the proposed work constitutes substantial  
40 improvement or repair of substantial damage; the determination requires  
41 evaluation of previous permits issued for improvements and repairs as specified in  
42 the definition of "substantial improvement"; and  
43 (4) Notify the applicant if it is determined that the work constitutes substantial  
44 improvement or repair of substantial damage and that compliance with the flood

1                   resistant construction requirements of the Florida Building Code and this  
2                   ordinance is required.

3  
4                   **Sec. 13-18. Modifications of the strict application of the requirements of the Florida**  
5                   **Building Code.** The Floodplain Administrator shall review requests submitted to the  
6                   Building Official that seek approval to modify the strict application of the flood load and  
7                   flood resistant construction requirements of the Florida Building Code to determine whether  
8                   such requests require the granting of a variance pursuant to Article VII of this ordinance.

9  
10                   **Sec. 13-19. Notices and orders.** The Floodplain Administrator shall coordinate with  
11                   appropriate local agencies for the issuance of all necessary notices or orders to ensure  
12                   compliance with this ordinance.

13  
14                   **Sec. 13-20. Inspections.** The Floodplain Administrator shall make the required inspections  
15                   as specified in Article VI of this ordinance for development that is not subject to the Florida  
16                   Building Code, including buildings, structures and facilities exempt from the Florida  
17                   Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if  
18                   development is undertaken without issuance of a permit.

19  
20                   **Sec. 13-21. Other duties of the Floodplain Administrator.** The Floodplain Administrator  
21                   shall have other duties, including but not limited to:

- 22                   (1)       Establish, in coordination with the Building Official, procedures for administering  
23                   and documenting determinations of substantial improvement and substantial  
24                   damage made pursuant to Section 13-7 of this ordinance;  
25                   (2)       Require that applicants proposing alteration of a watercourse notify adjacent  
26                   communities and the Florida Division of Emergency Management, State  
27                   Floodplain Management Office, and submit copies of such notifications to the  
28                   Federal Emergency Management Agency (FEMA);  
29                   (3)       Require applicants who submit hydrologic and hydraulic engineering analyses to  
30                   support permit applications to submit to FEMA the data and information  
31                   necessary to maintain the Flood Insurance Rate Maps if the analyses propose to  
32                   change base flood elevations, flood hazard area boundaries, or floodway  
33                   designations; such submissions shall be made within 6 months of such data  
34                   becoming available;  
35                   (4)       Review required design certifications and documentation of elevations specified  
36                   by this ordinance and the Florida Building Code and this ordinance to determine  
37                   that such certifications and documentations are complete;  
38                   (5)       Notify the Federal Emergency Management Agency when the unincorporated  
39                   boundaries of Hernando County are modified; and  
40                   (6)       Advise applicants for new buildings and structures, including substantial  
41                   improvements, that are located in any unit of the Coastal Barrier Resources  
42                   System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the  
43                   Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood  
44                   insurance is not available on such construction; areas subject to this limitation are

1 identified on Flood Insurance Rate Maps as “Coastal Barrier Resource System  
2 Areas” and “Otherwise Protected Areas.”

3  
4 **Sec. 13-22. Floodplain management records.** Regardless of any limitation on the period  
5 required for retention of public records, the Floodplain Administrator shall maintain and  
6 permanently keep and make available for public inspection all records that are necessary for  
7 the administration of this ordinance and the flood resistant construction requirements of the  
8 Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of  
9 issuance of permits and denial of permits; determinations of whether proposed work  
10 constitutes substantial improvement or repair of substantial damage; required design  
11 certifications and documentation of elevations specified by the Florida Building Code and  
12 this ordinance; notifications to adjacent communities, FEMA, and the state related to  
13 alterations of watercourses; assurances that the flood carrying capacity of altered  
14 watercourses will be maintained; documentation related to appeals and variances, including  
15 justification for issuance or denial; and records of enforcement actions taken pursuant to this  
16 ordinance and the flood resistant construction requirements of the Florida Building Code.  
17 These records shall be available for public inspection at the Development Department.

#### 18 19 **ARTICLE IV. PERMITS**

20  
21 **Sec. 13-23. Permits required.** Any owner or owner’s authorized agent (hereinafter  
22 “applicant”) who intends to undertake any development activity within the scope of this  
23 ordinance, including buildings, structures and facilities exempt from the Florida Building  
24 Code, which is wholly within or partially within any flood hazard area shall first make  
25 application to the Floodplain Administrator, and the Building Official if applicable, and shall  
26 obtain the required permit(s) and approval(s). No such permit or approval shall be issued until  
27 compliance with the requirements of this ordinance and all other applicable codes and regulations  
28 has been satisfied.

29  
30 **Sec. 13-24. Floodplain development permits or approvals.** Floodplain development permits  
31 or approvals shall be issued pursuant to this ordinance for any development activities not subject  
32 to the requirements of the Florida Building Code, including buildings, structures and facilities  
33 exempt from the Florida Building Code. Depending on the nature and extent of proposed  
34 development that includes a building or structure, the Floodplain Administrator may determine  
35 that a floodplain development permit or approval is required in addition to a building permit.

36  
37 **Sec. 13-25. Buildings, structures and facilities exempt from the Florida Building Code.**  
38 Pursuant to the requirements of federal regulation for participation in the National Flood  
39 Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or  
40 approvals shall be required for the following buildings, structures and facilities that are  
41 exempt from the Florida Building Code and any further exemptions provided by law, which  
42 are subject to the requirements of this ordinance:

- 43 (1) Railroads and ancillary facilities associated with the railroad.  
44 (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.

- 1       (3) Temporary buildings or sheds used exclusively for construction purposes.
- 2       (4) Mobile or modular structures used as temporary offices.
- 3       (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S.,  
4       which are directly involved in the generation, transmission, or distribution of  
5       electricity.
- 6       (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the  
7       Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means  
8       an open-sided wooden hut that has a thatched roof of palm or palmetto or other  
9       traditional materials, and that does not incorporate any electrical, plumbing, or  
10       other non-wood features.
- 11       (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated  
12       and assembled on site or preassembled and delivered on site and have walls,  
13       roofs, and a floor constructed of granite, marble, or reinforced concrete.
- 14       (8) Temporary housing provided by the Department of Corrections to any prisoner in  
15       the state correctional system.
- 16       (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the  
17       Florida Building Code if such structures are located in flood hazard areas  
18       established on Flood Insurance Rate Maps.

19  
20       **Sec. 13-26. Application for a permit or approval.** To obtain a floodplain development  
21       permit or approval the applicant shall first file an application in writing on a form furnished  
22       by the county. The information provided shall:

- 23       (1) Identify and describe the development to be covered by the permit or approval.
- 24       (2) Describe the land on which the proposed development is to be conducted by legal  
25       description, street address or similar description that will readily identify and  
26       definitively locate the site.
- 27       (3) Indicate the use and occupancy for which the proposed development is intended.
- 28       (4) Be accompanied by a site plan or construction documents as specified in Article  
29       V of this ordinance.
- 30       (5) State the valuation of the proposed work.
- 31       (6) Be signed by the applicant or the applicant's authorized agent.
- 32       (7) Give such other data and information as required by the Floodplain Administrator.

33  
34       **Sec. 13-27. Validity of permit or approval.** The issuance of a floodplain development  
35       permit or approval pursuant to this ordinance shall not be construed to be a permit for, or  
36       approval of, any violation of this ordinance, the Florida Building Codes, or any other  
37       ordinance of this county. The issuance of permits based on submitted applications,  
38       construction documents, and information shall not prevent the Floodplain Administrator from  
39       requiring the correction of errors and omissions.

40  
41       **Sec. 13-28. Expiration.** A floodplain development permit or approval shall become invalid  
42       unless the work authorized by such permit is commenced within 180 days after its issuance,  
43       or if the work authorized is suspended or abandoned for a period of 180 days after the work

1 commences. Extensions for periods of not more than 180 days each shall be requested in  
2 writing and justifiable cause shall be demonstrated.

3  
4 **Sec. 13-29. Suspension or revocation.** The Floodplain Administrator is authorized to  
5 suspend or revoke a floodplain development permit or approval if the permit was issued in  
6 error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this  
7 ordinance or any other ordinance, regulation or requirement of this county.

8  
9 **Sec. 13-30. Other permits required.** Floodplain development permits and building permits  
10 shall include a condition that all other applicable state or federal permits be obtained before  
11 commencement of the permitted development, including but not limited to the following:

- 12 (1) The Southwest Florida Water Management District; section 373.036, F.S.
- 13 (2) Florida Department of Health for onsite sewage treatment and disposal systems;  
14 section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- 15 (3) Florida Department of Environmental Protection for construction, reconstruction,  
16 changes, or physical activities for shore protection or other activities seaward of  
17 the coastal construction control line; section 161.141, F.S.
- 18 (4) Florida Department of Environmental Protection for activities subject to the Joint  
19 Coastal Permit; section 161.055, F.S.
- 20 (5) Florida Department of Environmental Protection for activities that affect wetlands  
21 and alter surface water flows, in conjunction with the U.S. Army Corps of  
22 Engineers; Section 404 of the Clean Water Act.
- 23 (6) Federal permits and approvals.

## 24 **ARTICLE V. SITE PLANS AND CONSTRUCTION DOCUMENTS**

25  
26  
27 **Sec. 13-31. Information for development in flood hazard areas.** The site plan or  
28 construction documents for any development subject to the requirements of this ordinance  
29 shall be drawn to scale and shall include, as applicable to the proposed development:

- 30 (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base  
31 flood elevation(s), and ground elevations if necessary for review of the proposed  
32 development.
- 33 (2) Where base flood elevations, or floodway data are not included on the FIRM or in  
34 the Flood Insurance Study, they shall be established in accordance with Section  
35 13-32(2) or (3) of this ordinance.
- 36 (3) Where the parcel on which the proposed development will take place will have  
37 more than 50 lots or is larger than 5 acres and the base flood elevations are not  
38 included on the FIRM or in the Flood Insurance Study, such elevations shall be  
39 established in accordance with Section 13-32(1) of this ordinance.
- 40 (4) Location of the proposed activity and proposed structures, and locations of  
41 existing buildings and structures; in coastal high hazard areas, new buildings and  
42 structures shall be located landward of the reach of mean high tide.
- 43 (5) For new construction and improvements located in a flood hazard area, owners  
44 shall record a Declaration of Land Restriction (Non-conversion Agreement) for

1 proposed development that includes (1) enclosures below elevated buildings, (2)  
2 crawl/under-floor spaces that are more than four feet in height, (3) detached  
3 accessory structures that are not elevated and are larger than 300 square feet in  
4 area (footprint), (4) attached garages; and (5) nonresidential farm buildings on  
5 farms. The non-conversion agreement shall be on the deed of the property  
6 recorded in the land records and certifies, accepts, and declares that the covenants,  
7 conditions, and restrictions stated in the non-conversion agreement are placed on  
8 the affected property as a condition of granting the Permit, and affects rights and  
9 obligations of the Owner and shall be binding on the Owner, his heirs, personal  
10 representatives, successors, and assigns.

- 11 (6) Location, extent, amount, and proposed final grades of any filling, grading, or  
12 excavation.
- 13 (7) The minimum elevation requirements, which shall be as specified in ASCE 24 or  
14 the base flood elevation plus 1 foot (305 mm), whichever is higher.
- 15 (8) Where the placement of fill is proposed, the amount, type, and source of fill  
16 material; compaction specifications; a description of the intended purpose of the  
17 fill areas; certification from a licensed Florida professional engineer that proposed  
18 fill meets the requirements of section 13-65 and will not increase the base flood  
19 elevation as required by section 13-65; and evidence that the proposed fill areas  
20 are the minimum necessary to achieve the intended purpose. There shall be no fill  
21 used as structural support in coastal high hazard areas.
- 22 (9) Evidence that the interior portion of an enclosed area below the lowest horizontal  
23 supporting member (floor beam) of an elevated building is not partitioned off into  
24 separated rooms.
- 25 (10) Delineation of the Coastal Construction Control Line or notation that the site is  
26 seaward of the coastal construction control line, if applicable.
- 27 (11) Extent of any proposed alteration of sand dunes or mangrove stands, provided  
28 such alteration is approved by the Florida Department of Environmental  
29 Protection.
- 30 (12) Existing and proposed alignment of any proposed alteration of a watercourse.

31  
32 The Floodplain Administrator is authorized to waive the submission of site plans,  
33 construction documents, and other data that are required by this ordinance but that are not  
34 required to be prepared by a registered design professional if it is found that the nature of the  
35 proposed development is such that the review of such submissions is not necessary to  
36 ascertain compliance with this ordinance.

37  
38 **Sec. 13-32. Information in flood hazard areas without base flood elevations**

39 **(approximate Zone A).** Where flood hazard areas are delineated on the FIRM and base  
40 flood elevation data have not been provided, the Floodplain Administrator shall:

- 41 (1) Require the applicant to include base flood elevation data and floodway data  
42 prepared in accordance with currently accepted, standard engineering practices.
- 43 (2) Obtain, review, and provide to applicants base flood elevation and floodway data  
44 available from a federal or state agency or other source or require the applicant to

1 obtain and use base flood elevation and floodway data available from a federal or  
2 state agency or other source.

3 (3) Where base flood elevation and floodway data are not available from another  
4 source, or are not in accordance with currently accepted, standard engineering  
5 practices, or where the available data are known to be scientifically or technically  
6 incorrect or otherwise inadequate:

7 a. Require the applicant to include base flood elevation data and flood data  
8 prepared in accordance with currently accepted, standard engineering  
9 practices; or

10 b. Specify that the base flood elevation is three (3) feet above the highest  
11 adjacent grade at the location of the development, provided there is no  
12 evidence indicating flood depths have been or may be greater than three  
13 (3) feet.

14 (4) Where the base flood elevation data are to be used to support a Letter of Map  
15 Change from FEMA, advise the applicant that the analyses shall be prepared by a  
16 Florida licensed engineer in a format required by FEMA, and that it shall be the  
17 responsibility of the applicant to satisfy the submittal requirements and pay the  
18 processing fees.

19  
20 **Sec. 13-33. Additional analyses and certifications.** As applicable to the location and nature  
21 of the proposed development activity, and in addition to the requirements of this section, the  
22 applicant shall have the following analyses signed and sealed by a Florida licensed engineer  
23 for submission with the site plan and construction documents:

24 (1) For development activities proposed to be located in a regulatory floodway,  
25 hydrologic and hydraulic analysis that demonstrates that the encroachment of the  
26 proposed development will not cause any increase in base flood elevations; where  
27 the applicant proposes to undertake development activities that do increase base  
28 flood elevations, the applicant shall submit such analysis to FEMA as specified in  
29 Section 13-34 of this ordinance and shall submit the Conditional Letter of Map  
30 Revision, if issued by FEMA, with the site plan and construction documents.

31 (2) For development activities proposed to be located in a riverine flood hazard area  
32 for which base flood elevations are included in the Flood Insurance Study or on  
33 the FIRM and floodways have not been designated, a floodway encroachment  
34 analysis which demonstrates that the cumulative effect of the proposed  
35 development, when combined with all other existing and anticipated flood hazard  
36 area encroachments, will not increase the base flood elevation more than one (1)  
37 foot at any point within the county. This requirement does not apply in isolated  
38 flood hazard areas not connected to a riverine flood hazard area or in flood hazard  
39 areas identified as Zone AO or Zone AH.3.

40 (3) For activities that propose to alter sand dunes or mangrove stands in coastal high  
41 hazard areas (Zone V), an engineering analysis that demonstrates that the  
42 proposed alteration will not increase the potential for flood damage.

43 (4) For alteration of a watercourse, an engineering analysis prepared in accordance  
44 with standard engineering practices which demonstrates that the flood-carrying

1 capacity of the altered or relocated portion of the watercourse will not be  
2 decreased, and certification that the altered watercourse shall be maintained in a  
3 manner which preserves the channel's flood-carrying capacity; the applicant shall  
4 submit the analysis to FEMA as specified in Section 13-34 of this ordinance.

- 5 (5) For construction of non-residential dry floodproofed buildings, in addition to the  
6 dry floodproofing requirements of the Florida Building Code, a flood emergency  
7 plan which shall specify at a minimum:
- 8 a. Storage locations of the floodproofing panels.
  - 9 b. Method of installation, time frame prior to anticipated event and personnel  
10 responsible.
  - 11 c. Conditions activating installation of floodproofing panels.
  - 12 d. Maintenance of shields and attachment devices.
  - 13 e. Periodic practice of installing shields.
  - 14 f. Testing sump-pumps and other drainage measures.
  - 15 g. Inspections of the material and equipment that activate or implement  
16 floodproofing.
  - 17 h. Permanent posted locations of the flood emergency plan in at least two  
18 conspicuous locations within the structure.

19  
20 **Sec. 13-34. Submission of additional data.** When additional hydrologic, hydraulic or other  
21 engineering data, studies, and additional analyses are submitted to support an application, the  
22 applicant has the right to seek a Letter of Map Change from FEMA to change the base flood  
23 elevations, change floodway boundaries, or change boundaries of flood hazard areas shown  
24 on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be  
25 prepared by a Florida licensed engineer in a format required by FEMA. Submittal  
26 requirements and processing fees shall be the responsibility of the applicant.

## 27 28 **ARTICLE VI. INSPECTIONS**

29  
30 **Sec. 13-35. General.** Development for which a floodplain development permit or approval  
31 is required shall be subject to inspection.

32  
33 **Sec. 13-36. Development other than buildings and structures.** The Floodplain  
34 Administrator shall inspect all development to determine compliance with the requirements  
35 of this ordinance and the conditions of issued floodplain development permits or approvals.

36  
37 **Sec. 13-37. Buildings, structures and facilities exempt from the Florida Building Code.**  
38 The Floodplain Administrator shall inspect buildings, structures and facilities exempt from  
39 the Florida Building Code to determine compliance with the requirements of this ordinance  
40 and the conditions of issued floodplain development permits or approvals.

41  
42 **Sec. 13-38. Buildings, structures and facilities exempt from the Florida Building Code,**  
43 **lowest floor inspection.** Upon placement of the lowest floor, including basement, and prior  
44 to further vertical construction, the owner of a building, structure or facility exempt from the



1 Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain  
2 Administrator:

- 3 (1) If a design flood elevation was used to determine the required elevation of the  
4 lowest floor, the certification of elevation of the lowest floor prepared and sealed  
5 by a Florida licensed professional surveyor; or  
6 (2) If the elevation used to determine the required elevation of the lowest floor was  
7 determined in accordance with Section 13-32(3)(b) of this ordinance, the  
8 documentation of height of the lowest floor above highest adjacent grade,  
9 prepared by the owner or the owner's authorized agent.

10  
11 **Sec. 13-39. Buildings, structures and facilities exempt from the Florida Building Code,**  
12 **final inspection.** As part of the final inspection, the owner or owner's authorized agent shall  
13 submit to the Floodplain Administrator a final certification of elevation of the lowest floor or  
14 final documentation of the height of the lowest floor above the highest adjacent grade; such  
15 certifications and documentations shall be prepared as specified in Section 13-38 of this  
16 ordinance.

17  
18 **Sec. 13-40. Manufactured or Mobile homes.** The Floodplain Administrator and Building  
19 Official shall inspect manufactured homes that are installed or replaced in flood hazard areas  
20 to determine compliance with the requirements of this ordinance and the conditions of the  
21 issued permit. Upon placement of a manufactured home, certification of the elevation of the  
22 bottom of the frame shall be submitted to the Floodplain Administrator and Building Official.

## 23 **ARTICLE VII. VARIANCES AND APPEALS**

24  
25  
26 **Sec. 13-41. General.** The Board of County Commissioners shall hear and decide on requests  
27 for appeals and requests for variances from the strict application of this ordinance. Pursuant  
28 to section 553.73(5), F.S., the Board of County Commissioners shall hear and decide on  
29 requests for appeals and requests for variances from the strict application of the flood  
30 resistant construction requirements of the Florida Building Code. This section does not apply  
31 to Section 3109 of the Florida Building Code, Building.

32  
33 **Sec. 13-42. Appeals.** The Board of County Commissioners shall hear and decide appeals  
34 when it is alleged there is an error in any requirement, decision, or determination made by the  
35 Floodplain Administrator in the administration and enforcement of this ordinance. Any  
36 person aggrieved by the decision of the Board of County Commissioners may appeal such  
37 decision to the Circuit Court, as provided by Florida Statutes.

38  
39 **Sec. 13-43. Limitations on authority to grant variances.** The Board of County  
40 Commissioners shall base its decisions on variances on technical justifications submitted by  
41 applicants, the considerations for issuance in Section 13-47 of this ordinance, the conditions  
42 of issuance set forth in Section 13-48 of this ordinance, and the comments and  
43 recommendations of the Floodplain Administrator and the Building Official. The Board of

1 County Commissioners has the right to attach such conditions as it deems necessary to  
2 further the purposes and objectives of this ordinance.

3  
4 **Sec. 13-44. Restrictions in floodways.** A variance shall not be issued for any proposed  
5 development in a floodway if any increase in base flood elevations would result, as  
6 evidenced by the applicable analyses and certifications required in Section 13-33 of this  
7 ordinance.

8  
9 **Sec. 13-45. Historic buildings.** A variance is authorized to be issued for the repair,  
10 improvement, or rehabilitation of a historic building that is determined eligible for the  
11 exception to the flood resistant construction requirements of the Florida Building Code,  
12 Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed  
13 repair, improvement, or rehabilitation will not preclude the building's continued designation  
14 as a historic building and the variance is the minimum necessary to preserve the historic  
15 character and design of the building. If the proposed work precludes the building's continued  
16 designation as a historic building, a variance shall not be granted and the building and any  
17 repair, improvement, and rehabilitation shall be subject to the requirements of the Florida  
18 Building Code.

19  
20 **Sec. 13-46. Functionally dependent uses.** A variance is authorized to be issued for the  
21 construction or substantial improvement necessary for the conduct of a functionally  
22 dependent use, as defined in this ordinance, provided the variance meets the requirements of  
23 Section 13-44, is the minimum necessary considering the flood hazard, and all due  
24 consideration has been given to use of methods and materials that minimize flood damage  
25 during occurrence of the base flood.

26  
27 **Sec. 13-47. Considerations for issuance of variances.** In reviewing requests for variances,  
28 the Board of County Commissioners shall consider all technical evaluations, all relevant  
29 factors, all other applicable provisions of the Florida Building Code, this ordinance, and the  
30 following:

- 31 (1) The danger that materials and debris may be swept onto other lands resulting in  
32 further injury or damage;  
33 (2) The danger to life and property due to flooding or erosion damage;  
34 (3) The susceptibility of the proposed development, including contents, to flood  
35 damage and the effect of such damage on current and future owners;  
36 (4) The importance of the services provided by the proposed development to the  
37 county;  
38 (5) The availability of alternate locations for the proposed development that are  
39 subject to lower risk of flooding or erosion;  
40 (6) The compatibility of the proposed development with existing and anticipated  
41 development;  
42 (7) The relationship of the proposed development to the comprehensive plan and  
43 floodplain management program for the area;

- 1       (8) The safety of access to the property in times of flooding for ordinary and  
2       emergency vehicles;
- 3       (9) The expected heights, velocity, duration, rate of rise and debris and sediment  
4       transport of the floodwaters and the effects of wave action, if applicable, expected  
5       at the site; and
- 6       (10) The costs of providing governmental services during and after flood conditions  
7       including maintenance and repair of public utilities and facilities such as sewer,  
8       gas, electrical and water systems, streets and bridges.

9  
10       **Sec. 13-48. Conditions for issuance of variances.** Variances shall be issued only upon:

- 11       (1) Submission by the applicant, of a showing of good and sufficient cause that the  
12       unique characteristics of the size, configuration, or topography of the site limit  
13       compliance with any provision of this ordinance or the required elevation  
14       standards;
- 15       (2) Determination by the Board of County Commissioners that:
  - 16       a.       Failure to grant the variance would result in exceptional hardship due to  
17       the physical characteristics of the land that render the lot undevelopable;  
18       increased costs to satisfy the requirements or inconvenience do not  
19       constitute hardship;
  - 20       b.       The granting of a variance will not result in increased flood heights,  
21       additional threats to public safety, extraordinary public expense, nor create  
22       nuisances, cause fraud on or victimization of the public or conflict with  
23       existing local laws and ordinances; and
  - 24       c.       The variance is the minimum necessary, considering the flood hazard, to  
25       afford relief;
- 26       (3) Receipt of a signed statement by the applicant that the variance, if granted, shall  
27       be recorded in the Office of the Clerk of the Court in such a manner that it  
28       appears in the chain of title of the affected parcel of land; and
- 29       (4) If the request is for a variance to allow construction of the lowest floor of a new  
30       building, or substantial improvement of a building, below the required elevation, a  
31       copy in the record of a written notice from the Floodplain Administrator to the  
32       applicant for the variance, specifying the difference between the base flood  
33       elevation and the proposed elevation of the lowest floor, stating that the cost of  
34       federal flood insurance will be commensurate with the increased risk resulting  
35       from the reduced floor elevation, up to amounts as high as \$25 for \$100 of  
36       insurance coverage or as specified in the latest edition of the National Flood  
37       Insurance Program and stating that construction below the base flood elevation  
38       increases risks to life and property.

39  
40       **ARTICLE VIII. VIOLATIONS**

41  
42       **Sec. 13-49. Violations.** Any development that is not within the scope of the Florida Building  
43       Code but that is regulated by this ordinance that is performed without an issued permit, that  
44       is in conflict with an issued permit, that fails to maintain an approved dry floodproofed

1 structure pursuant to Section 13-33(5), or that does not fully comply with this ordinance,  
2 shall be deemed a violation of this ordinance. A building or structure without the  
3 documentation of elevation of the lowest floor, other required design certifications, or other  
4 evidence of compliance required by this ordinance or the Florida Building Code is presumed  
5 to be a violation until such time as that documentation is provided.

6  
7 **Sec. 13-50. Authority.** For development that is not within the scope of the Florida Building  
8 Code but that is regulated by this ordinance and that is determined to be a violation, the  
9 Floodplain Administrator or designee is authorized to serve notices of violation or stop work  
10 orders to owners of the property involved, to the owner's agent, or to the person or persons  
11 performing the work.

12  
13 **Sec. 13-51. Unlawful continuance.** Any person who shall continue any work after having  
14 been served with a notice of violation or a stop work order, except such work as that person  
15 is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to  
16 penalties as prescribed by Chapter 2, Article III, of the Hernando County Code of Ordinances  
17 as may be amended from time to time.

## 18 **ARTICLE IX. DEFINITIONS**

19  
20  
21 **Sec. 13-52. Scope.** Unless otherwise expressly stated, the following words and terms shall,  
22 for the purposes of this ordinance, have the meanings shown in this section.

23  
24 **Sec. 13-53 Terms defined in the Florida Building Code.** Where terms are not defined in  
25 this ordinance and are defined in the Florida Building Code, such terms shall have the  
26 meanings ascribed to them in that code.

27  
28 **Sec. 13-54. Terms not defined.** Where terms are not defined in this ordinance or the Florida  
29 Building Code, such terms shall have ordinarily accepted meanings such as the context  
30 implies.

### 31 **Sec. 13-55. Definitions.**

32  
33  
34 **Accessory Structure.** Accessory structures also referred to as appurtenant structures, are  
35 structures which are on the same parcel of property as a principal structure and the use of  
36 which is incidental to the use of the principal structure.

37  
38 **Alteration of a watercourse.** A dam, impoundment, channel relocation, change in channel  
39 alignment, channelization, or change in cross-sectional area of the channel or the channel  
40 capacity, or any other form of modification which may alter, impede, retard or change the  
41 direction and/or velocity of the riverine flow of water during conditions of the base flood.

42  
43 **Appeal.** A request for a review of the Floodplain Administrator's interpretation of any  
44 provision of this ordinance.

1  
2 **ASCE 24.** A standard titled *Flood Resistant Design and Construction* that is referenced by  
3 the Florida Building Code. ASCE 24 is developed and published by the American Society of  
4 Civil Engineers, Reston, VA.

5  
6 **Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given  
7 year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as  
8 the "100-year flood" or the "1-percent-annual chance flood."

9  
10 **Base flood elevation.** The elevation of the base flood, including wave height, relative to the  
11 National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or  
12 other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B,  
13 Section 1612.2.]

14  
15 **Basement.** The portion of a building having its floor subgrade (below ground level) on all  
16 sides. [Also defined in FBC, B, Section 1612.2.]

17  
18 **Critical Facility.** Hospitals, nursing homes, police stations, fire stations, and emergency  
19 operation centers that are needed for flood response activities before, during, or after a flood;  
20 and public and private utility facilities that are vital to maintaining or restoring normal  
21 services to flooded areas before, during, and after a flood; and structures or facilities that  
22 produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive  
23 materials. The term includes facilities that are assigned Risk Category III and Risk Category  
24 IV pursuant to the Florida Building Code, Building.

25  
26 **Coastal construction control line.** The line established by the State of Florida pursuant to  
27 section 161.053, F.S., and recorded in the official records of the county, which defines that  
28 portion of the beach-dune system subject to severe fluctuations based on a 100-year storm  
29 surge, storm waves or other predictable weather conditions.

30  
31 **Coastal high hazard area.** A special flood hazard area extending from offshore to the  
32 inland limit of a primary frontal dune along an open coast and any other area subject to high  
33 velocity wave action from storms or seismic sources. Coastal high hazard areas are also  
34 referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are  
35 designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. [Note: The  
36 FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action"  
37 and the FBC, R uses the term "coastal high hazard areas."]

38  
39 **Design flood.** The flood associated with the greater of the following two areas: [Also  
40 defined in FBC, B, Section 1612.2.]

- 41 (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any  
42 year; or  
43 (2) Area designated as a flood hazard area on the county's flood hazard map, or  
44 otherwise legally designated.

1  
2 **Design flood elevation.** The elevation of the “design flood,” including wave height, relative  
3 to the datum specified on the county’s legally designated flood hazard map. In areas  
4 designated as Zone AO, the design flood elevation shall be the elevation of the highest  
5 existing grade of the building’s perimeter plus the depth number (in feet) specified on the  
6 flood hazard map. In areas designated as Zone AO where the depth number is not specified  
7 on the map, the depth number shall be taken as being equal to 3 feet. [Also defined in FBC,  
8 B, Section 1612.2.]

9  
10 **Development.** Any man-made change to improved or unimproved real estate, including but  
11 not limited to, buildings or other structures, tanks, temporary structures, temporary or  
12 permanent storage of equipment or materials, mining, dredging, filling, grading, paving,  
13 excavations, drilling operations or any other land disturbing activities.

14  
15 **Dry Floodproofing.** A combination of design modifications which results in a building or  
16 structure, including the attendant utility and sanitary facilities, being water tight with walls  
17 substantially impermeable to the passage of water and with structural components having the  
18 capacity to resist loads as identified in ASCE 7.

19  
20 **Encroachment.** The placement of fill, excavation, buildings, permanent structures or other  
21 development within a flood hazard area which may impede or alter the flow capacity or  
22 volume of flood hazard areas.

23  
24 **Existing building and existing structure.** Any buildings and structures for which the “start  
25 of construction” commenced before April 3, 1984. [Also defined in FBC, B, Section 1612.2.]

26  
27 **Existing manufactured or mobile home park or subdivision.** A manufactured home park  
28 or subdivision for which the construction of facilities for servicing the lots on which the  
29 manufactured or mobile homes are to be affixed (including, at a minimum, the installation of  
30 utilities, the construction of streets, and either final site grading or the pouring of concrete  
31 pads) is completed before April 3, 1984.

32  
33 **Expansion to an existing manufactured or mobile home park or subdivision.** The  
34 preparation of additional sites by the construction of facilities for servicing the lots on which  
35 the manufactured or mobile homes are to be affixed (including the installation of utilities, the  
36 construction of streets, and either final site grading or the pouring of concrete pads).

37  
38 **Federal Emergency Management Agency (FEMA).** The federal agency that, in addition to  
39 carrying out other functions, administers the National Flood Insurance Program.

40  
41 **Flood or flooding.** A general and temporary condition of partial or complete inundation of  
42 normally dry land from: [Also defined in FBC, B, Section 1612.2.]

43 (1) The overflow of inland or tidal waters.

44 (2) The unusual and rapid accumulation or runoff of surface waters from any source.

1  
2 **Flood damage-resistant materials.** Any construction material capable of withstanding  
3 direct and prolonged contact with floodwaters without sustaining any damage that requires  
4 more than cosmetic repair. [Also defined in FBC]

5  
6 **Flood hazard area.** The greater of the following two areas: [Also defined in FBC]  
7 (1) The area within a floodplain subject to a 1-percent or greater chance of flooding  
8 in any year.  
9 (2) The area designated as a flood hazard area on the county's flood hazard map, or  
10 otherwise legally designated.

11  
12 **Flood Insurance Rate Map (FIRM).** The official map of the county on which the Federal  
13 Emergency Management Agency has delineated both special flood hazard areas and the risk  
14 premium zones applicable to the county. [Also defined in FBC, B, Section 1612.2.]

15  
16 **Flood Insurance Study (FIS).** The official report provided by the Federal Emergency  
17 Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and  
18 Floodway Map (if applicable), the water surface elevations of the base flood, and supporting  
19 technical data. [Also defined in FBC, B, Section 1612.2.]

20  
21 **Floodplain Administrator.** The office or position designated and charged with the  
22 administration and enforcement of this ordinance (may be referred to as the Floodplain  
23 Manager).

24  
25 **Floodplain development permit or approval.** An official document or certificate issued by  
26 the county, or other evidence of approval or concurrence, which authorizes performance of  
27 specific development activities that are located in flood hazard areas and that are determined  
28 to be compliant with this ordinance.

29  
30 **Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas  
31 as defined by the effective Flood Insurance Rate Map that must be reserved in order to  
32 discharge the base flood without cumulatively increasing the water surface elevation more  
33 than one (1) foot. [Also defined in FBC]

34  
35 **Floodway encroachment analysis.** An engineering analysis of the impact that a proposed  
36 encroachment into a floodway is expected to have on the floodway boundaries and base flood  
37 elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using  
38 standard engineering methods and models.

39  
40 **Florida Building Code (FBC).** The family of codes adopted by the Florida Building  
41 Commission, including: Florida Building Code, Building; Florida Building Code,  
42 Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical;  
43 Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

1 **Functionally dependent use.** A use which cannot perform its intended purpose unless it is  
2 located or carried out in close proximity to water, including only docking facilities, port  
3 facilities that are necessary for the loading and unloading of cargo or passengers, and ship  
4 building and ship repair facilities; the term does not include long-term storage or related  
5 manufacturing facilities.

6  
7 **Highest adjacent grade.** The highest natural elevation of the ground surface prior to  
8 construction next to the proposed walls or foundation of a structure.

9  
10 **Historic structure.** Any structure that is determined eligible for the exception to the flood  
11 hazard area requirements of the Florida Building Code, Existing Building, Chapter 11  
12 Historic Buildings.

13  
14 **Letter of Map Change (LOMC).** An official determination issued by FEMA that amends  
15 or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map  
16 Change include:

17 Letter of Map Amendment (LOMA): An amendment based on technical data showing  
18 that a property was incorrectly included in a designated special flood hazard area. A  
19 LOMA amends the current effective Flood Insurance Rate Map and establishes that a  
20 specific property, portion of a property, or structure is not located in a special flood  
21 hazard area.

22 Letter of Map Revision (LOMR): A revision based on technical data that may show  
23 changes to flood zones, flood elevations, special flood hazard area boundaries and  
24 floodway delineations, and other planimetric features.

25 Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or  
26 parcel of land has been elevated by fill above the base flood elevation and is, therefore,  
27 no longer located within the special flood hazard area. In order to qualify for this  
28 determination, the fill must have been permitted and placed in accordance with the  
29 county's floodplain management regulations.

30 Conditional Letter of Map Revision (CLOMR): A formal review and comment as to  
31 whether a proposed flood protection project or other project complies with the minimum  
32 NFIP requirements for such projects with respect to delineation of special flood hazard  
33 areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood  
34 Insurance Study; upon submission and approval of certified as-built documentation, a  
35 Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

36  
37 **Light-duty truck.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500  
38 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000  
39 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- 40 (1) Designed primarily for purposes of transportation of property or is a derivation of  
41 such a vehicle, or  
42 (2) Designed primarily for transportation of persons and has a capacity of more than  
43 12 persons; or



1           (3) Available with special features enabling off-street or off-highway operation and  
2           use.

3  
4           **Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure,  
5           including basement, but excluding any unfinished or flood-resistant enclosure, other than a  
6           basement, usable solely for vehicle parking, building access or limited storage provided that  
7           such enclosure is not built so as to render the structure in violation of the non-elevation  
8           requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section  
9           1612.2.]

10  
11           **Manufactured home or mobile home.** A structure, transportable in one or more sections,  
12           which is eight (8) feet or more in width and greater than four hundred (400) square feet, and  
13           which is built on a permanent, integral chassis and is designed for use with or without a  
14           permanent foundation when attached to the required utilities. The terms "manufactured  
15           home or mobile home" do not include "recreational vehicle" or "park trailer." [Also defined  
16           in 15C-1.0101, F.A.C.]

17  
18           **Manufactured or mobile home park or subdivision.** A parcel (or contiguous parcels) of  
19           land divided into two or more manufactured home lots for rent or sale.

20  
21           **Market value.** The price at which a property will change hands between a willing buyer and  
22           a willing seller, neither party being under compulsion to buy or sell and both having  
23           reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the  
24           market value of buildings and structures, excluding the land and other improvements on the  
25           parcel. Market value may be established by a qualified independent appraiser, Actual Cash  
26           Value (replacement cost depreciated for age and quality of construction), or tax assessment  
27           value adjusted to approximate market value by a factor provided by the Property Appraiser.

28  
29           **New construction.** For the purposes of administration of this ordinance and the flood  
30           resistant construction requirements of the Florida Building Code, structures for which the  
31           "start of construction" commenced on or after April 3, 1984 and includes any subsequent  
32           improvements to such structures.

33  
34           **New manufactured or mobile home park or subdivision.** A manufactured or mobile home  
35           park or subdivision for which the construction of facilities for servicing the lots on which the  
36           manufactured homes are to be affixed (including at a minimum, the installation of utilities,  
37           the construction of streets, and either final site grading or the pouring of concrete pads) is  
38           completed on or after April 3, 1984.

39  
40           **Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet  
41           and which is built on a single chassis and is designed to provide seasonal or temporary living  
42           quarters when connected to utilities necessary for operation of installed fixtures and  
43           appliances. [Defined in 15C-1.0101, F.A.C.]

1 **Recreational vehicle.** A vehicle, including a park trailer, which is: [Defined in section  
2 320.01(b), F.S.)

- 3 (1) Built on a single chassis;  
4 (2) Four hundred (400) square feet or less when measured at the largest horizontal  
5 projection;  
6 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and  
7 (4) Designed primarily not for use as a permanent dwelling but as temporary living  
8 quarters for recreational, camping, travel, or seasonal use and not to be located or  
9 occupied for more than 180 days.

10 **Sand dunes.** Naturally occurring accumulations of sand in ridges or mounds landward of the  
11 beach.

12  
13  
14 **Special flood hazard area.** An area in the floodplain subject to a 1 percent or greater chance  
15 of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A,  
16 AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

17  
18 **Start of construction.** The date of issuance for new construction and substantial  
19 improvements to existing structures, provided the actual start of construction, repair,  
20 reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days  
21 of the date of the issuance. The actual start of construction means either the first placement  
22 of permanent construction of a building (including a manufactured home) on a site, such as  
23 the pouring of slab or footings, the installation of piles, the construction of columns.

24 Permanent construction does not include land preparation (such as clearing, grading, or  
25 filling), the installation of streets or walkways, excavation for a basement, footings, piers, or  
26 foundations, the erection of temporary forms or the installation of accessory buildings such  
27 as garages or sheds not occupied as dwelling units or not part of the main buildings. For a  
28 substantial improvement, the actual “start of construction” means the first alteration of any  
29 wall, ceiling, floor or other structural part of a building, whether or not that alteration affects  
30 the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

31  
32 **Substantial Damage** means damage of any origin sustained by a structure whereby the cost  
33 of restoring the structure to its before-damage condition would equal or exceed 50% of the  
34 market value of the structure before the damage occurred. Substantial damage also means  
35 flood related damage sustained by a structure on two separate occasions during a 5-year  
36 period for which the cost of repairs at the time of each such flood event, on the average,  
37 equals or exceeds 25% of the market value of the structure before the damage occurred.

38  
39 **Substantial Improvement** Any combination of repair, reconstruction, rehabilitation,  
40 addition or improvement of a building or structure taking place during a 5-year period prior  
41 to the date of permit application, the cumulative cost of which equals or exceeds 50 percent  
42 of the market value of the structure before the improvement or repair is started. If the  
43 structure has sustained substantial damage, any repairs are considered substantial

1 improvement regardless of the actual repair work performed. The term does not, however,  
2 include either:

- 3 (1) Any project for improvement of a building required to correct existing health,  
4 sanitary or safety code violations identified by the building official and that are  
5 the minimum necessary to assure safe living conditions.  
6 (2) Any alteration of a historic structure provided that the alteration will not preclude  
7 the structure's continued designation as a historic structure.

8  
9 **Variance.** A grant of relief from the requirements of this ordinance, or the flood resistant  
10 construction requirements of the Florida Building Code, which permits construction in a  
11 manner that would not otherwise be permitted by this ordinance or the Florida Building  
12 Code.

13  
14 **Watercourse.** A river, creek, stream, channel or other topographic feature in, on, through, or  
15 over which water flows at least periodically.

16  
17 **ARTICLE X. FLOOD RESISTANT DEVELOPMENT, BUILDING AND**  
18 **STRUCTURES**

19  
20 **Sec. 13-56. Design and construction of buildings, structures and facilities exempt from**  
21 **the Florida Building Code.** Pursuant to Section 13-25 of this ordinance, buildings, structures,  
22 and facilities that are exempt from the Florida Building Code, including substantial improvement  
23 or repair of substantial damage of such buildings, structures and facilities, shall be designed and  
24 constructed in accordance with the flood load and flood resistant construction requirements of  
25 ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed  
26 buildings shall comply with the requirements of Article XVI of this ordinance.

27  
28 **Sec. 13-57. Buildings and structures seaward of the coastal construction control line. If**  
29 **extending, in whole or in part, seaward of the coastal construction control line and also**  
30 **located, in whole or in part, in a flood hazard area:**

- 31 (1) Buildings and structures shall be designed and constructed to comply with the  
32 more restrictive applicable requirements of the Florida Building Code, Building  
33 Section 3109 and Section 1612 or Florida Building Code, Residential Section  
34 R322.  
35 (2) Minor structures and non-habitable major structures as defined in section 161.54,  
36 F.S., shall be designed and constructed to comply with the intent and applicable  
37 provisions of this ordinance and ASCE 24.

38  
39 **ARTICLE XI. SUBDIVISIONS**

40  
41 **Sec. 13-58. Minimum requirements.** Subdivision proposals, including proposals for  
42 manufactured or mobile home parks and subdivisions, shall be reviewed to determine that:

- 43 (1) Such proposals are consistent with the need to minimize flood damage and will be  
44 reasonably safe from flooding;

- 1           (2) All public utilities and facilities such as sewer, gas, electric, communications, and  
2           water systems are located and constructed to minimize or eliminate flood damage;  
3           and  
4           (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH  
5           and AO, adequate drainage paths shall be provided to guide floodwaters around  
6           and away from proposed structures.

7  
8           **Sec. 13-60. Subdivision plats.** Where any portion of proposed subdivisions, including  
9           manufactured home parks and subdivisions, lies within a flood hazard area, the following  
10           shall be required:

- 11           (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and  
12           design flood elevations, as appropriate, shall be shown on preliminary plats and  
13           final plats;  
14           (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base  
15           flood elevations are not included on the FIRM, the base flood elevations  
16           determined in accordance with Section 13-32(1) of this ordinance; and  
17           (3) Compliance with the site improvement and utilities requirements of Article XII of  
18           this ordinance.

19  
20           **ARTICLE XII. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**

21  
22           **Sec. 13-61. Minimum requirements.** All proposed new development shall be reviewed to  
23           determine that:

- 24           (1) Such proposals are consistent with the need to minimize flood damage and will be  
25           reasonably safe from flooding;  
26           (2) All public utilities and facilities such as sewer, gas, electric, communications, and  
27           water systems are located and constructed to minimize or eliminate flood damage;  
28           and  
29           (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH  
30           and AO, adequate drainage paths shall be provided to guide floodwaters around  
31           and away from proposed structures.

32  
33           **Sec. 13-62. Sanitary sewage facilities.** All new and replacement sanitary sewage facilities,  
34           private sewage treatment plants (including all pumping stations and collector systems), and  
35           on-site waste disposal systems shall be designed in accordance with the standards for onsite  
36           sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to  
37           minimize or eliminate infiltration of floodwaters into the facilities and discharge from the  
38           facilities into flood waters, and impairment of the facilities and systems.

39  
40           **Sec. 13-63. Water supply facilities.** All new and replacement water supply facilities shall be  
41           designed in accordance with the water well construction standards in Chapter 62-532.500,  
42           F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the  
43           systems.

1 **Sec. 13-64. Limitations on sites in regulatory floodways.** No development, including but  
2 not limited to site improvements, and land disturbing activity involving fill or regrading,  
3 shall be authorized in the regulatory floodway unless the floodway encroachment analysis  
4 required in Section 13-33(1) of this ordinance demonstrates that the proposed development or  
5 land disturbing activity will not result in any increase in the base flood elevation.

6  
7 **Sec. 13-65. Limitations on placement of fill.** Subject to the limitations of this ordinance,  
8 fill shall be designed to be stable under conditions of flooding including rapid rise and rapid  
9 drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion  
10 and scour. In addition to these requirements, if intended to support buildings and structures  
11 (Zone A only), fill shall comply with the requirements of the Florida Building Code. Where  
12 the placement of fill is proposed, the amount, type, and source of fill material; compaction  
13 specifications; a description of the intended purpose of the fill areas; certification from a  
14 licensed Florida professional engineer that the proposed fill does not increase the base flood  
15 elevation; and evidence that the proposed fill areas are the minimum necessary to achieve the  
16 intended purpose. There shall be no fill used as structural support in coastal high hazard  
17 areas.

18  
19 **Sec. 13-66. Limitations on sites in coastal high hazard areas (Zone V).** In coastal high  
20 hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such  
21 alteration is approved by the Florida Department of Environmental Protection and only if the  
22 engineering analysis required by Section 13-33(4) of this ordinance demonstrates that the  
23 proposed alteration will not increase the potential for flood damage. Construction or  
24 restoration of dunes under or around elevated buildings and structures shall comply with  
25 Section 13-90 of this ordinance.

### 26 27 **ARTICLE XIII. MANUFACTURED OR MOBILE HOMES**

28  
29 **Sec. 13-67. General.** All manufactured homes installed in flood hazard areas shall be  
30 installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply  
31 with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

32  
33 **Sec. 13-68. Limitations on installation in coastal high hazard areas.** New installations of  
34 manufactured or mobile homes shall not be permitted in coastal high hazard areas.

35  
36 **Sec. 13-69. Foundations.** All new manufactured homes and replacement manufactured  
37 homes installed in flood hazard areas shall be installed on permanent, reinforced foundations  
38 that:

- 39 (1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed  
40 in accordance with the foundation requirements of the Florida Building Code,  
41 Residential Section R322.2 and this ordinance.  
42 (2) In coastal high hazard areas (Zone V), are designed in accordance with the  
43 foundation requirements of the Florida Building Code, Residential Section  
44 R322.3 and this ordinance.

1  
2 **Sec. 13-70. Anchoring.** All new manufactured homes and replacement manufactured homes  
3 shall be installed using methods and practices which minimize flood damage and shall be  
4 securely anchored to an adequately anchored foundation system to resist flotation, collapse or  
5 lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top  
6 or frame ties to ground anchors. This anchoring requirement is in addition to applicable state  
7 and local anchoring requirements for wind resistance.

8  
9 **Sec. 13-71. Elevation.** Manufactured homes that are placed, replaced, or substantially  
10 improved shall comply with Section 13-72 or Section 13-73 of this ordinance, as applicable.

11  
12 **Sec. 13-72. General elevation requirement.** Unless subject to the requirements of Section  
13 13-73 of this ordinance, all manufactured homes that are placed, replaced, or substantially  
14 improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a  
15 new manufactured home park or subdivision; (c) in an expansion to an existing manufactured  
16 home park or subdivision; or (d) in an existing manufactured home park or subdivision upon  
17 which a manufactured home has incurred "substantial damage", shall be elevated such that  
18 the bottom of the frame is at or above the elevation required, as applicable to the flood hazard  
19 area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3  
20 (Zone V).

21  
22 **Sec. 13-73. Elevation requirement for certain existing manufactured home parks and**  
23 **subdivisions.** Manufactured homes that are not subject to Section 13-72 of this ordinance,  
24 including manufactured homes that are placed, replaced, or substantially improved on sites  
25 located in an existing manufactured home park or subdivision, unless on a site where  
26 substantial damage has occurred, shall be elevated such that either the:

- 27 1. Bottom of the frame of the manufactured home is at or above the elevation  
28 required, as applicable to the flood hazard area, in the Florida Building Code,  
29 Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or  
30 2. Bottom of the frame is supported by reinforced piers or other foundation elements  
31 of at least equivalent strength that are not less than 36 inches in height above  
32 grade.

33  
34 **Sec. 13-74. Enclosures.** Fully enclosed areas below elevated manufactured homes shall  
35 comply with the requirements of the Florida Building Code, Residential Section R322 for  
36 such enclosed areas, as applicable to the flood hazard area.

37  
38 **Sec. 13-75. Utility equipment.** Utility equipment that serves manufactured homes,  
39 including electric, heating, ventilation, plumbing, and air conditioning equipment and other  
40 service facilities, shall comply with the requirements of the Florida Building Code,  
41 Residential Section R322, as applicable to the flood hazard area.

1 **ARTICLE XIV. RECREATIONAL VEHICLES AND PARKING TRAILERS**

2  
3 **Sec. 13-76. Temporary placement.** Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- 4 (1) Be on the site for fewer than 180 consecutive days; or  
5 (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

6  
7  
8  
9  
10  
11 **Sec. 13-77. Permanent placement.** Recreational vehicles and park trailers that do not meet the limitations in Section 13-76 of this ordinance for temporary placement shall meet the requirements of Article XIII of this ordinance for manufactured homes. For new parks, park models are prohibited in special flood hazard areas.

12  
13  
14  
15  
16 **ARTICLE XV. TANKS**

17  
18 **Sec. 13-78. Underground tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

19  
20  
21  
22  
23 **Sec. 13-79. Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation requirements of Section 13-80 of this ordinance shall:

- 24 (1) Be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.  
25 (2) Above-ground tanks located in Zone V shall be constructed to current standards pursuant to the Florida Building Code.

26  
27  
28  
29  
30  
31  
32 **Sec. 13-80. Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

33  
34  
35  
36  
37  
38 **Sec. 13-81. Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

- 39 (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and  
40 (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

1  
2 **ARTICLE XVI. OTHER DEVELOPMENT**

3  
4 **Sec. 13-82. General requirements for other development.** All development, including  
5 man-made changes to improved or unimproved real estate for which specific provisions are  
6 not specified in this ordinance or the Florida Building Code, shall:

- 7 (1) Be located and constructed to minimize flood damage;  
8 (2) Meet the limitations of Section 13-64 of this ordinance if located in a regulated  
9 floodway;  
10 (3) Be anchored to prevent flotation, collapse or lateral movement resulting from  
11 hydrostatic loads, including the effects of buoyancy, during conditions of the  
12 design flood;  
13 (4) Be constructed of flood damage-resistant materials; and  
14 (5) Have mechanical, plumbing, and electrical systems above the design flood  
15 elevation, except that minimum electric service required to address life safety and  
16 electric code requirements is permitted below the design flood elevation provided  
17 it conforms to the provisions of the electrical part of building code for wet  
18 locations.

19  
20 **Sec. 13-83. Fences in regulated floodways.** Fences in regulated floodways that have the  
21 potential to block the passage of floodwaters, such as stockade fences and wire mesh fences,  
22 shall meet the limitations of Section 13-64 of this ordinance.

23  
24 **Sec. 13-84. Retaining walls, sidewalks and driveways in regulated floodways.** Retaining  
25 walls and sidewalks and driveways that involve the placement of fill in regulated floodways  
26 shall meet the limitations of Section 13-64 of this ordinance.

27  
28 **Sec. 13-85. Roads and watercourse crossings in regulated floodways.** Roads and  
29 watercourse crossings, including roads, bridges, culverts, low-water crossings and similar  
30 means for vehicles or pedestrians to travel from one side of a watercourse to the other side,  
31 that encroach into regulated floodways shall meet the limitations of Section 13-64 of this  
32 ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall  
33 meet the requirements of Section 13-33(3) of this ordinance.

34  
35 **Sec. 13-86. Concrete slabs used as parking pads, enclosure floors, landings, decks,**  
36 **walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).**  
37 In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings,  
38 decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to  
39 buildings and structures provided the concrete slabs are designed and constructed to be:

- 40 (1) Structurally independent of the foundation system of the building or structure;  
41 (2) Frangible and not reinforced, so as to minimize debris during flooding that is  
42 capable of causing significant damage to any structure; and  
43 (3) Have a maximum slab thickness of not more than four (4) inches.  
44



1 **Sec. 13-87. Accessory Structures in Special Flood Hazard Areas.** Accessory structures  
2 that are not elevated or not dry floodproofed are permitted in flood hazard areas subject to the  
3 following conditions:

- 4 (1) The structure shall be at or below 100 square feet.
- 5 (2) Electrical and mechanical equipment shall meet the minimum requirements of the  
6 current Florida Building Code.
- 7 (3) The structure shall be limited to storage and parking only.

8  
9 **Sec. 13-88. Decks and patios in coastal high hazard areas (Zone V).** In addition to the  
10 requirements of the Florida Building Code, in coastal high hazard areas decks and patios  
11 shall be located, designed, and constructed in compliance with the following:

- 12 (1) A deck that is structurally attached to a building or structure shall have the bottom  
13 of the lowest horizontal structural member at or above the design flood elevation  
14 and any supporting members that extend below the design flood elevation shall  
15 comply with the foundation requirements that apply to the building or structure,  
16 which shall be designed to accommodate any increased loads resulting from the  
17 attached deck.
- 18 (2) A deck or patio that is located below the design flood elevation shall be  
19 structurally independent from buildings or structures and their foundation  
20 systems, and shall be designed and constructed either to remain intact and in place  
21 during design flood conditions or to break apart into small pieces to minimize  
22 debris during flooding that is capable of causing structural damage to the building  
23 or structure or to adjacent buildings and structures.
- 24 (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or  
25 that is constructed with more than the minimum amount of fill necessary for site  
26 drainage shall not be approved unless an analysis prepared by a qualified  
27 registered design professional demonstrates no harmful diversion of floodwaters  
28 or wave runup and wave reflection that would increase damage to the building or  
29 structure or to adjacent buildings and structures.
- 30 (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that  
31 is at natural grade or on nonstructural fill material that is similar to and  
32 compatible with local soils and is the minimum amount necessary for site  
33 drainage may be approved without requiring analysis of the impact on diversion  
34 of floodwaters or wave runup and wave reflection.

35  
36 **Sec. 13-89. Other development in coastal high hazard areas (Zone V).** In coastal high  
37 hazard areas, development activities other than buildings and structures shall be permitted  
38 only if also authorized by the appropriate state or local authority; if located outside the  
39 footprint of, and not structurally attached to, buildings and structures; and if analyses  
40 prepared by qualified registered design professionals demonstrate no harmful diversion of  
41 floodwaters or wave runup and wave reflection that would increase damage to adjacent  
42 buildings and structures. Such other development activities include but are not limited to:

- 43 (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control  
44 structures;

- 1           (2) Solid fences and privacy walls, and fences prone to trapping debris, unless  
2           designed and constructed to fail under flood conditions less than the design flood  
3           or otherwise function to avoid obstruction of floodwaters; and  
4           (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as  
5           filled systems or mound systems.

6  
7           **Sec. 13-90. Nonstructural fill in coastal high hazard areas (Zone V).** In coastal high  
8           hazard areas:

- 9           (1) Minor grading and the placement of minor quantities of nonstructural fill shall be  
10           permitted for landscaping and for drainage purposes under and around buildings.  
11           (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to  
12           five units horizontal shall be permitted only if an analysis prepared by a qualified  
13           registered design professional demonstrates no harmful diversion of floodwaters  
14           or wave runup and wave reflection that would increase damage to adjacent  
15           buildings and structures.  
16           (3) Where authorized by the Florida Department of Environmental Protection or  
17           applicable local approval, sand dune construction and restoration of sand dunes  
18           under or around elevated buildings are permitted without additional engineering  
19           analysis or certification of the diversion of floodwater or wave runup and wave  
20           reflection if the scale and location of the dune work is consistent with local beach-  
21           dune morphology and the vertical clearance is maintained between the top of the  
22           sand dune and the lowest horizontal structural member of the building.

23  
24           **ARTICLE XVII. CRITICAL FACILITIES**

25  
26           **Sec. 13-91. Location of Critical Facilities.** New critical facilities shall, to the extent  
27           feasible, be located outside of the special flood hazard area and outside of the 0.2% annual  
28           chance flood hazard area (500-year floodplain). If documentation is provided that feasible  
29           sites outside of the special flood hazard are not available that satisfy the objectives of a  
30           proposed critical facility, then the critical facility shall have access routes that are elevated to  
31           or above the base flood elevation.

32  
33           **SECTION IV. AMENDING HERNANDO COUNTY CODE OF ORDINANCES,**  
34           **CHAPTER 8 (BUILDING AND BUILDING REGULATIONS, ARTICLE II**  
35           **(CONSTRUCTION), DIVISION 4 (FLORIDA BUILDING CODE), SECTION 8-89**  
36           **(SCOPE AND ADMINISTRATION) Chapter 8 (Building and Building Regulations,**  
37           **Article II (Construction), Division 4 (Florida Building Code), Section 8-89 (Scope And**  
38           **Administration) is amended to read as follows, with underlined language added to the Hernando**  
39           **County Code of Ordinances:**

40  
41           104 (DUTIES AND POWER OF BUILDING OFFICIAL)

42  
43           *104.10 Modifications.* Wherever there are practical difficulties involved in carrying out the  
44           provisions of this code, the building official shall have the authority to grant modifications

1 for individual cases, upon application of the owner or owner's representative, provided the  
2 building official shall first find that special individual reason makes the strict letter of this  
3 code impractical and the modification is in compliance with the intent and purpose of this  
4 code and that such modification does not lessen health, accessibility, life and fire safety, or  
5 structural requirements. The details of action granting modifications shall be recorded and  
6 entered in the files of the building department.

7  
8 104.10.1 Modifications of the strict application of the requirements of the Florida  
9 Building Code. The Building Official shall coordinate with the Floodplain Administrator  
10 to review requests submitted to the Building Official that seek approval to modify the  
11 strict application of the flood resistant construction requirements of the Florida Building  
12 Code to determine whether such requests require the granting of a variance pursuant to  
13 Section 117.

14  
15 107 (SUBMITTAL DOCUMENTS)

16  
17 *107.6 Affidavits.* The building official may accept a sworn affidavit from a registered  
18 architect or engineer stating that the plans submitted conform to the technical codes. For  
19 buildings and structures, the affidavit shall state that the plans conform to the laws as to  
20 egress, type of construction and general arrangement and, if accompanied by drawings, show  
21 the structural design and that the plans and design conform to the requirements of the  
22 technical codes as to strength, stresses, strains, loads and stability. The building official may  
23 without any examination or inspection accept such affidavit, provided the architect or  
24 engineer who made such affidavit agrees to submit to the building official copies of  
25 inspection reports as inspections are performed and upon completion of the structure,  
26 electrical, gas, mechanical or plumbing systems a certification that the structure, electrical,  
27 gas, mechanical or plumbing system has been erected in accordance with the requirements of  
28 the technical codes. Where the building official relies upon such affidavit, the architect or  
29 engineer shall assume full responsibility for compliance with all provisions of the technical  
30 codes and other pertinent laws or ordinances. The building official shall ensure that any  
31 person conducting plans review is qualified as a plans examiner under Part XII of Chapter  
32 468, Florida Statutes, and that any person conducting inspections is qualified as a building  
33 inspector under Part XII of Chapter 468, Florida Statutes.

34  
35 107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements  
36 of federal regulation for participation in the National Flood Insurance Program (44 C.F.R.  
37 Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely  
38 on inspections, and to accept plans and construction documents on the basis of affidavits  
39 and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the  
40 flood load and flood resistance construction requirements of the Florida Building Code.

1 117 (VARIANCES IN FLOOD HAZARD AREAS)

2  
3 117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance procedures  
4 adopted in the local floodplain management ordinance shall apply to requests submitted to  
5 the Building Official for variances to the provisions of Section 1612.4 of the Florida Building  
6 Code, Building or, as applicable, the provisions of Section R322 of the Florida Building  
7 Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code,  
8 Building.

9  
10  
11 **SECTION V. AMENDING HERNANDO COUNTY CODE OF ORDINANCES,**  
12 **CHAPTER 8 (BUILDING AND BUILDING REGULATIONS, ARTICLE II**  
13 **(CONSTRUCTION), DIVISION 4 (FLORIDA BUILDING CODE), SECTION 8-99**  
14 **(TECHNICAL AMENDMENT TO THE FLORIDA BUILDING CODE, RESIDENTIAL**  
15 **RELATED TO FLOOD RESISTANCE IN ORDER TO IMPLEMENT THE NATIONAL**  
16 **FLOOD INSURANCE PROGRAM AND PARTICIPATE IN THE COMMUNITY**  
17 **RATING SYSTEM) Chapter 8 (Building and Building Regulations, Article II**  
18 **(Construction), Division 4 (Florida Building Code), Section 8-99 (Technical amendment to**  
19 **the Florida Building Code, Residential related to flood resistance in order to implement the**  
20 **National Flood Insurance Program and participate in the Community Rating System) is**  
21 **amended to read as follows, with underlined language added to the Hernando County Code of**  
22 **Ordinance (technical amendment to Florida Building Code as noted with double underlined**  
23 **language added and strike through language deleted):**

24  
25 **Section 8-99 Technical amendment to the Florida Building Code, Residential, related to**  
26 **flood resistant construction**

27  
28 **R3.22 FLOOD RESISTANT CONSTRUCTION**

29  
30 **R322.2.1 Elevation requirements.**

- 31 1. Buildings and structures in flood hazard areas not designated as Coastal A Zones  
32 shall have the lowest floors elevated to or above the base flood elevation plus 1  
33 foot or the design flood elevation, whichever is higher.
- 34 2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall  
35 have the lowest floors elevated to or above the base flood elevation plus 1 foot  
36 (305 mm), or to the design flood elevation, whichever is higher.
- 37 3. In areas of shallow flooding (AO Zones), buildings and structures shall have the  
38 lowest floor (including basement) elevated at least as high above the highest  
39 adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or  
40 at least 3 feet 2 feet (610 mm) if a depth number is not specified.
- 41 4. Basement floors that are below grade on all sides shall be elevated to or above the  
42 base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

1           Exception: Enclosed areas below the design flood elevation, including basements  
2           whose floors are not below grade on all sides, shall meet the requirements of  
3           Section R322.2.2.

4  
5           R322.2.2 Enclosed areas below design flood elevation. Enclosed areas, including crawl  
6           spaces, that are below the design flood elevation shall:

- 7           1.       Be used solely for parking of vehicles, building access or storage. The interior  
8           portion of such enclosed area shall not be partitioned or finished into separate  
9           rooms except for stairwells, ramps, and elevators. The limitation on partitions  
10           does not apply to crawlspace foundations.

11  
12           R322.3.2 Elevation requirements.

- 13           1.       All buildings and structures erected within coastal high-hazard areas shall be  
14           elevated so that the lowest portion of all structural members supporting the lowest  
15           floor, with the exception of mat or raft foundations, piling, pile caps, columns,  
16           grade beams and bracing, is:

17           1.1      Located at or above the base flood elevation plus 1 foot or the design flood  
18           elevation, whichever is higher, if the lowest horizontal structural member  
19           is oriented parallel to the direction of wave approach, where parallel shall  
20           mean less than or equal to 20 degrees (0.35 rad) from the direction of  
21           approach, or

22           1.2      Located at the base flood elevation plus 2 feet 4 foot (305 mm), or the  
23           design flood elevation, whichever is higher, if the lowest horizontal  
24           structural member is oriented perpendicular to the direction of wave  
25           approach, where perpendicular shall mean greater than 20 degrees (0.35  
26           rad) from the direction of approach.

27           2.       Basement floors that are below grade on all sides are prohibited.

28           3.       The use of fill for structural support is prohibited.

29           4.       Minor grading, and the placement of minor quantities of fill, shall be permitted  
30           for landscaping and for drainage purposes under and around buildings and for support of  
31           parking slabs, pool decks, patios and walkways.

32           Exception: External walls enclosing areas below the design flood elevation shall meet the  
33           requirements of Sections R322.3.4 and R322.3.5.

34  
35           R322.3.4 Walls below design flood elevation. Walls and partitions are permitted below the  
36           elevated floor, provided that such walls and partitions are not part of the structural support of  
37           the building or structure and:

38           1.       Electrical, mechanical, and plumbing system components are not to be mounted  
39           on or penetrate through walls that are designed to break away under flood loads;  
40           and

41           2.       Are constructed with insect screening or open lattice; or

42           3.       Are designed to break away or collapse without causing collapse, displacement or  
43           other structural damage to the elevated portion of the building or supporting  
44           foundation system. Such walls, framing and connections shall have a design safe

1 loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per  
2 square foot (958 Pa); or

3 4. Where wind loading values of this code exceed 20 pounds per square foot (958  
4 Pa), the construction documents shall include documentation prepared and sealed  
5 by a registered design professional that:

6 4.1 The walls and partitions below the design flood elevation have been  
7 designed to collapse from a water load less than that which would occur  
8 during the design flood.

9 4.2 The elevated portion of the building and supporting foundation system  
10 have been designed to withstand the effects of wind and flood loads acting  
11 simultaneously on all building components (structural and nonstructural).  
12 Water loading values used shall be those associated with the design flood.  
13 Wind loading values used shall be those required by this code.

14  
15 R322.3.5 Enclosed areas below the design flood elevation. Enclosed areas below the design  
16 flood elevation shall be used solely for parking of vehicles, building access or storage. The  
17 interior portion of such enclosed area shall not be partitioned or finished into separate rooms  
18 except for stairwells, ramps, and elevators.

19  
20 **SECTION VI. AMENDING HERNANDO COUNTY CODE OF ORDINANCES,**  
21 **CHAPTER 8 (BUILDING AND BUILDING REGULATIONS, ARTICLE II**  
22 **(CONSTRUCTION), DIVISION 4 (FLORIDA BUILDING CODE), SECTION 8-100**  
23 **(TECHNICAL AMENDMENT TO THE FLORIDA BUILDING CODE, BUILDING**  
24 **RELATED TO FLOOD RESISTANCE IN ORDER TO IMPLEMENT THE NATIONAL**  
25 **FLOOD INSURANCE PROGRAM AND PARTICIPATE IN THE COMMUNITY**  
26 **RATING SYSTEM) Chapter 8 (Building and Building Regulations, Article II**  
27 **(Construction), Division 4 (Florida Building Code), Section 8-100 (Technical amendment to**  
28 **the Florida Building Code, Building, related to flood resistance in order to implement the**  
29 **National Flood Insurance Program and participate in the Community Rating System) is**  
30 **amended to read as follows, with underlined language to the Hernando County Code of**  
31 **Ordinance added (amendment to Florida Building Code as noted with double underlined**  
32 **language added and strike through language deleted):**

33  
34 **Section 8-100 Technical amendment to the Florida Building Code, Building related to**  
35 **flood loads and substantial improvement**

36  
37 *1612 FLOOD LOADS*

38  
39 *SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation,*  
40 *addition or improvement of a building or structure taking place during a 5-year period prior*  
41 *to the date of permit application, the cumulative cost of which equals or exceeds 50 percent*  
42 *of the market value of the structure before the improvement or repair is started. If the*  
43 *structure has sustained substantial damage, any repairs are considered substantial*

1 improvement regardless of the actual repair work performed. The term does not, however,  
2 include either:

- 3 1. Any project for improvement of a building required to correct existing health,  
4 sanitary or safety code violations identified by the building official and that are  
5 the minimum necessary to assure safe living conditions.
- 6 2. Any alteration of a historic structure provided that the alteration will not preclude  
7 the structure's continued designation as a historic structure.

8  
9 **SECTION VII AMENDING HERNANDO COUNTY CODE OF ORDINANCES,**  
10 **CHAPTER 8 (BUILDING AND BUILDING REGULATIONS, ARTICLE II**  
11 **(CONSTRUCTION), DIVISION 4 (FLORIDA BUILDING CODE), SECTION 8-101**  
12 **(TECHNICAL AMENDMENT TO THE FLORIDA BUILDING CODE, EXISTING**  
13 **BUILDING, RELATED TO FLOOD RESISTANCE IN ORDER TO IMPLEMENT THE**  
14 **NATIONAL FLOOD INSURANCE PROGRAM AND PARTICIPATE IN THE**  
15 **COMMUNITY RATING SYSTEM) Chapter 8 (Building and Building Regulations, Article**  
16 **II (Construction), Division 4 (Florida Building Code), Section 8-101 (Technical amendment**  
17 **to the Florida Building Code, Existing Building, related to flood resistance in order to**  
18 **implement the National Flood Insurance Program and participate in the Community**  
19 **Rating System) is amended to read as follows, with underlined language added to the Hernando**  
20 **County Code of Ordinance (amendment to Florida Building Code as noted with double**  
21 **underlined language added and strike through language deleted):**

22  
23 **Section 8-101 Technical amendment to the Florida Building Code, Existing Building**  
24 **related to Definitions and Substantial Improvement**

25  
26 **202 GENERAL DEFINITIONS**

27  
28 **SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation,**  
29 **addition or improvement of a building or structure taking place during a 5-year period prior**  
30 **to the date of permit application, the cumulative cost of which equals or exceeds 50 percent**  
31 **of the market value of the structure before the improvement or repair is started. If the**  
32 **structure has sustained substantial damage, any repairs are considered substantial**  
33 **improvement regardless of the actual repair work performed. The term does not, however,**  
34 **include either:**

- 35 1. Any project for improvement of a building required to correct existing health,  
36 sanitary or safety code violations identified by the building official and that are  
37 the minimum necessary to assure safe living conditions.
- 38 2. Any alteration of a historic structure provided that the alteration will not preclude  
39 the structure's continued designation as a historic structure.

40  
41 **SECTION VIII. FISCAL IMPACT STATEMENT.**

42 In terms of design, plan application review, construction and inspection of buildings and  
43 structures, the cost impact as an overall average is negligible in regard to the local technical  
44 amendments because all development has been subject to the requirements of the local

1 floodplain management ordinance adopted for participation in the National Flood Insurance  
2 Program. In terms of lower potential for flood damage, there will be continued savings and  
3 benefits to consumers.

4  
5 **SECTION IX. APPLICABILITY.**

6 For the purposes of jurisdictional applicability, this ordinance shall apply in all unincorporated  
7 areas of Hernando County. This ordinance shall apply to all applications for development,  
8 including building permit applications and subdivision proposals, submitted on or after the  
9 effective date of this ordinance.

10  
11 **SECTION X. REPEALER.**

12 Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of  
13 any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and  
14 regulation(s) in their entirety: **Chapter 13 Flood Damage and Prevention Ordinance and**  
15 **Appendix A, Article II, Section 2 (d)(4).**

16  
17 **SECTION XI. INCLUSION INTO THE CODE OF ORDINANCES.**

18 It is the intent of the Hernando County Board of County Commissioners that the provisions of  
19 this ordinance shall become and be made a part of the Hernando County Code of Ordinances,  
20 and that the sections of this ordinance may be renumbered or relettered and the word “ordinance”  
21 may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in  
22 order to accomplish such intentions.

23  
24 **SECTION XII. SEVERABILITY.**

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

28  
29 **SECTION XIII. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature  
30 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,  
31 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this  
32 ordinance to the extent of such conflict except for ordinances concerning either adoption or  
33 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.

34  
35 **SECTION XIV. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and  
36 is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of  
37 Administrative Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street,  
38 Tallahassee, FL 32399-0250.

39  
40 **SECTION XV. EFFECTIVE DATE.**

41 This ordinance shall take effect immediately upon filing with the Department of State.  
42  
43



DRAFT DOCUMENT: NOTE: additions/deletions = language proposed for addition/deletion to existing Code provisions.

1 DULY PASSED AND ADOPTED IN REGULAR SESSION THIS 28th DAY OF  
2 January, 2014.  
3

4  
5 **BOARD OF COUNTY COMMISSIONERS**  
6 **HERNANDO COUNTY, FLORIDA**

7  
8 Attest:

9 for DONALD C. BARBER, CLERK

By:

Wayne Dukes  
WAYNE DUKES, CHAIRMAN.

10  
11  
12 (SEAL)



13  
14 **Approved as to Form and**  
15 **Legal Sufficiency**

16  
17 By: [Signature]