

From: [Bryant, Linda C.](#)
To: [Ordinances](#)
Cc: [County Ordinances](#)
Date: Wednesday, August 25, 2021 2:15:42 PM
Attachments: [Hernando20210825 Ordinance2021_14 Ack.pdf](#)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 25, 2021

Honorable Doug Chorvat, Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 362
Brooksville, Florida 34601

Attention: Ms. Heidi Kurppe, Deputy Clerk

Dear Mr. Chorvat:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2021-14, which was filed in this office on August 25, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb

ORDINANCE NO. 2021- 14

1
2
3 AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES,
4 CHAPTER 13 (FLOOD DAMAGE PREVENTION AND PROTECTION), ARTICLE II
5 (APPLICABILITY) SECTION 13-9; ARTICLE IX (DEFINITIONS) SECTION 13-55;
6 ARTICLE XIII (MANUFACTURED OR MOBILE HOMES), SECTION 13-71
7 THROUGH 13-75 AND RENUMBERING; ARTICLE XVI (OTHER DEVELOPMENT),
8 SECTION 13-87; BY AMENDING CHAPTER 8 (BUILDING AND BUILDING
9 REGULATIONS), ARTICLE II (CONSTRUCTION CODE), DIVISION 4 (FLORIDA
10 BUILDING CODE), SECTION 8-98 (SCOPE AND ADMINISTRATION), PART 1
11 (SCOPE AND APPLICATION), SECTION 101 (GENERAL), SECTION 101.4.11
12 (FLOOD), SECTION 101.5.4 (WORDS DEFINED); CHAPTER 8, (BUILDING AND
13 BUILDING REGULATIONS), DIVISION 4 (FLORIDA BUILDING CODE), SECTION
14 8-98 (SCOPE AND ADMINISTRATION), PART 2 (ADMINISTRATION AND
15 ENFORCEMENT), SECTION 104 (DUTIES AND POWERS OF THE BUILDING
16 OFFICIAL); BY AMENDING CHAPTER 8, (BUILDING AND BUILDING
17 REGULATIONS), DIVISION 4 (FLORIDA BUILDING CODE), SECTION 105
18 (PERMITS) BY AMENDING CHAPTER 8 (BUILDING AND BUILDING
19 REGULATIONS), ARTICLE II (CONSTRUCTION CODE), DIVISION 4 (FLORIDA
20 BUILDING CODE), SECTION 8-99 (TECHNICAL AMENDMENT TO THE FLORIDA
21 BUILDING CODE, RESIDENTIAL RELATED TO FLOOD-RESISTANT
22 CONSTRUCTION) AND DELETING SECTIONS 8-100 (TECHNICAL AMENDMENT
23 TO THE FLORIDA BUILDING CODE, BUILDING RELATED TO FLOOD LOADS
24 AND SUBSTANTIAL IMPROVEMENT.) AND 8-101 (TECHNICAL AMENDMENT TO
25 THE FLORIDA BUILDING CODE, EXISTING BUILDING RELATED TO
26 DEFINITIONS AND SUBSTANTIAL IMPROVEMENT); PROVIDING FOR
27 APPLICABILITY, PROVIDING FOR INCLUSION INTO THE CODE, PROVIDING
28 FOR SEVERABILITY, CONFLICTING PROVISIONS; FILING WITH THE
29 DEPARTMENT OF STATE, AND PROVIDING FOR AN EFFECTIVE DATE.

30
31 WHEREAS, the Board of County Commissioners (County) has adopted the Hernando
32 County Comprehensive Plan within which are included goals, objectives, and policies related to
33 the process for review and approval of certain development applications; and
34

35 WHEREAS, Chapter 163, Part II, Florida Statutes, requires the implementation of these
36 goals, objectives, and policies through the adoption of consistent land development regulations;
37 and
38

39 WHEREAS, the County desires to amend its floodplain management regulations, which
40 are designated as a land development regulation; and
41

42 WHEREAS, this proposed amendment to floodplain management regulations, has
43 received public hearings before the Planning Commission, Local Planning Agency, and the
44 Board of County Commissioners as required by state and local law; and

1
2 **WHEREAS**, the Board of County Commissioners finds that the proposed amendment is
3 consistent with the goals, objectives, and policies of the Comprehensive Plan.

4
5 **WHEREAS**, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes,
6 conferred upon local governments the authority to adopt regulations designed to promote the
7 public health, safety, and general welfare of its citizenry; and

8
9 **WHEREAS**, the Federal Emergency Management Agency has identified special flood
10 hazard areas within the boundaries of Hernando County and such areas may be subject to
11 periodic inundation which may result in loss of life and property, health and safety hazards,
12 disruption of commerce and governmental services, extraordinary public expenditures for flood
13 protection and relief, and impairment of the tax base, all of which adversely affect the public
14 health, safety and general welfare, and

15
16 **WHEREAS**, Hernando County was accepted for participation in the National Flood
17 Insurance Program on April 17, 1984, and Hernando County desires to continue to meet the
18 requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such
19 participation; and

20
21 **WHEREAS**, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to
22 provide a mechanism for the uniform adoption, updating, amendment, interpretation, and
23 enforcement of a state building code, called the Florida Building Code; and

24
25 **WHEREAS**, section 553.73(5), Florida Statutes, allows adoption of local administrative
26 amendments to the Florida Building Code to implement the National Flood Insurance Program;

27
28 **WHEREAS**, Hernando County has determined that it is in the public interest to amend
29 the proposed floodplain management regulations that are coordinated with the Florida Building
30 Code;

31
32 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
33 Hernando County that the following floodplain management regulations are amended as follows.

34
35 **SECTION I.** Chapter 13, (Flood Damage Prevention and Protection), Article II (Applicability),
36 Section 13-9 of the Hernando County Code of Ordinance is amended to read as follows, with
37 underlined language added and strike through language deleted:

38 **Sec. 13-9. Basis for establishing flood hazard areas.**

39 The Flood Insurance Study for Hernando County, Florida and Incorporated Areas effective
40 ~~February 2, 2012~~January 15, 2021, and all subsequent amendments and revisions, and the
41 accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions
42 to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum

1 basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are
2 on file at the development department.

3 **SECTION II.** Chapter 13, (Flood Damage Prevention and Protection), Article IX (Definitions),
4 Section 13-55 of the Hernando County Code of Ordinance is amended to read as follows, with
5 underlined language added and strike through language deleted:
6

7 **Sec. 13-55. - Definitions.**

8
9 *Accessory structures*, also referred to as appurtenant structures, shall mean structures which
10 are on the same parcel of property as a principal structure and the use of which is incidental to
11 the use of the principal structure. For floodplain management purposes, the term includes only
12 accessory structures used for parking and storage.
13

14 ~~*Existing manufactured or mobile home park or subdivision* shall mean a manufactured~~
15 ~~home park or subdivision for which the construction of facilities for servicing the lots on which~~
16 ~~the manufactured or mobile homes are to be affixed (including, at a minimum, the installation of~~
17 ~~utilities, the construction of streets, and either final site grading or the pouring of concrete pads)~~
18 ~~is completed before April 3, 1984.~~
19

20 ~~*Expansion to an existing manufactured or mobile home park or subdivision* shall mean the~~
21 ~~preparation of additional sites by the construction of facilities for servicing the lots on which the~~
22 ~~manufactured or mobile homes are to be affixed (including the installation of utilities, the~~
23 ~~construction of streets, and either final site grading or the pouring of concrete pads).~~
24

25 ~~*Market value* - shall mean the price at which a property will change hands between a willing~~
26 ~~buyer and a willing seller, neither party being under compulsion to buy or sell and both having~~
27 ~~reasonable knowledge of relevant facts. As used in this chapter, the term refers to the The market~~
28 ~~value of buildings and structures, excluding the land and other improvements on the parcel.~~
29 ~~Market value may be established by a qualified independent appraiser, is the actual cash value~~
30 ~~(like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of~~
31 ~~construction) determined by a qualified independent appraiser, or tax assessment value adjusted~~
32 ~~to approximate market value by a factor provided by the property appraiser.~~
33

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

39 **SECTION III.** Chapter 13, (Flood Damage Prevention and Protection), Article XIII
40 (Manufactured or Mobile Homes) of the Hernando County Code of Ordinance is amended to
41 read as follows, with underlined language added and strike through language deleted:

1 **Sec. 13-71. Elevation.**

2 All manufactured homes that are placed, replaced, or substantially improved in flood hazard
3 areas shall be elevated such that the bottom of the frame is at or above the elevation required, as
4 applicable to the flood zone hazard area, in the Florida Building Code, Residential Section
5 R322.2 (Zone A) or R322.3 (Zone V and Coastal A Zone). Manufactured homes that are placed,
6 replaced, or substantially improved shall comply with section 13-72 or section 13-73 of this
7 chapter, as applicable.

8 ~~**Sec. 13-72. General elevation requirement.**~~

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

17 ~~**Sec. 13-73. Elevation requirement for certain existing manufactured home parks and**~~
18 ~~**subdivisions.**~~

19 ~~Manufactured homes that are not subject to section 13-72 of this chapter, including~~
20 ~~manufactured homes that are placed, replaced, or substantially improved on sites located in an~~
21 ~~existing manufactured home park or subdivision, unless on a site where substantial damage has~~
22 ~~occurred, shall be elevated such that either the:~~

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

28 ~~**Sec. 13-74**~~ **72. Enclosures.**

29
30 Fully enclosed areas below elevated manufactured homes shall comply with the
31 requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as
32 applicable to the flood hazard area.

33 ~~**Sec. 13-75**~~ **73. Utility equipment.**

34 Utility equipment that serves manufactured homes, including electric, heating, ventilation,
35 plumbing, and air conditioning equipment and other service facilities, shall comply with the
36 requirements of the Florida Building Code, Residential Section R322, as applicable to the flood
37 hazard area.

1 **SECTION IV.** Chapter 13, (Flood Damage Prevention and Protection), Article XVI (Other
2 Development) of the Hernando County Code of Ordinance is amended to read as follows, with
3 underlined language added and strike through language deleted:

4 **Sec. 13-87. Accessory structures in special flood hazard areas.**

5 Accessory structures that are not elevated or not dry floodproofed are permitted in flood
6 hazard areas subject to the following conditions:

- 7 (1) The structure shall be at or below one hundred (100) square feet.
- 8 (2) Electrical and mechanical equipment shall meet the minimum requirements of the
9 current Florida Building Code.
- 10 (3) The structure shall be limited to storage and parking only.
- 11 (4) The structure shall be anchored to resist floatation, collapse or lateral movement
12 resulting from flood loads.
- 13 (5) The structure shall have flood damage-resistant materials used below the base flood
14 elevation plus one (1) foot.

15
16 **SECTION V.** Chapter 8, (Building and Building Regulations), Article 11 (Construction Code)
17 Division 4 (Florida Building Code), Section 8-98 (Scope and Administration), Part 1 (Scope and
18 Application), of the Hernando County Code of Ordinance is amended to read as follows, with
19 strike through language deleted:

20
21 **Sec. 8-98. - Scope and administration**

22
23 **PART 1, SCOPE AND APPLICATION**

24
25 ~~101.4.11 Flood. The provisions of ASCE 24, Flood Resistant Design and Construction~~
26 ~~and Chapter 13, of the Code of Ordinances of Hernando County.~~

27
28 **SECTION VI.** Chapter 8, (Building and Building Regulations), Article 11 (Construction Code)
29 Division 4 (Florida Building Code), Section 8-98 (Scope and Administration), Part 1, Scope and
30 Application, Subsection 101.5.4 “words defined” of the Hernando County Code of Ordinance is
31 amended to read as follows, with underlined language added and strike through language
32 deleted:

33
34 **Sec. 8-98. - Scope and administration**

35
36 101.5.4 Words defined. Unless otherwise expressly stated, the following words and terms, for
37 the purposes of this code, have the meaning shown in this chapter. In case of a conflict in
38 definitions or codes, the appropriate definition (or code) to be applied shall be the one
39 applicable to the trade in question. In case of a conflict between different parts of this chapter,
40 conflicts within the same code, or conflicts between codes, the more stringent requirements
41 shall be applicable.

1 ~~Appraised value.~~ For the purpose of this section, appraised value is defined as either (1) one
2 hundred twenty (120) percent of the assessed value of the structure as indicated by the County
3 Property Appraiser's Office or (2) the value as indicated in a certified appraisal from a Florida
4 certified or licensed appraiser.

5 ~~Assessed value.~~ The value of real property and improvements thereon as established by the
6 county property appraiser pursuant to chapter 192, Florida Statutes. To the extent not
7 preempted by state law, suspicion of sinkhole activity as defined herein shall not be the basis
8 for a reduction of assessed valuation.

9 ~~Basement.~~ For floodplain management purposes, any area of a building having its floor sub-
10 grade (below ground level) on all sides.

11 ~~Historic Structure.~~ means any structure that is determined eligible for the exception to the
12 flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11
13 Historic Buildings.

14 ~~Substantial Improvement.~~ Any combination of repair, reconstruction, rehabilitation, addition or
15 improvement of a building or structure taking place during a 5-year period prior to the date of
16 permit application, the cumulative cost of which equals or exceeds 50 percent of the market
17 value of the structure before the improvement or repair is started. If the structure has sustained
18 substantial damage, any repairs are considered substantial improvement regardless of the
19 actual repair work performed. The term does not, however, include either:

20 1. Any project for improvement of a building required to correct existing health, sanitary or
21 safety code violations identified by the building official and that are the minimum necessary to
22 assure safe living conditions.

23 2. Any alteration of a historic structure provided that the alteration will not preclude the
24 structure's continued designation as a historic structure.

25 ~~Structure.~~ For floodplain management purposes, a walled and roofed building, including a gas
26 or liquid storage tank that is principally above ground, as well as a manufactured home.

27 ~~Water surface elevation.~~ The height, in relation to the National Geodetic Vertical Datum
28 (NGVD) of 1929 or the North Atlantic Vertical Datum, of floods of various magnitudes and
29 frequencies in the floodplains of coastal, inland, or riverine areas.

30
31 **SECTION VII.** Chapter 8, (Building and Building Regulations), Article 11 (Construction
32 Code) Division 4 (Florida Building Code), Part 2 Administration and Enforcement, Section 104,
33 of the Hernando County Code of Ordinance is amended to read as follows, with underlined
34 language added and strike through language deleted:

35
36 **Sec. 8-98. - Scope and administration**

1
2 SECTION 104 DUTIES AND POWERS OF THE BUILDING OFFICIAL
3

4 *104.10.1* For buildings and structures, the affidavit shall state that the plans conform to the
5 laws as to egress, type of construction and general arrangement and, if accompanied by
6 drawings, show the structural design and that the plans and design conform to the requirements
7 of the technical codes as to strength, stresses, strains, loads and stability. The building official
8 may without any examination or inspection accept such affidavit, provided the architect or
9 engineer who made such affidavit agrees to submit to the building official copies of inspection
10 reports as inspections are performed and upon completion of the structure, electrical, gas,
11 mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or
12 plumbing system has been erected in accordance with the requirements of the technical codes
13 and other pertinent laws, or ordinances, ~~or Flood Regulations~~.
14

15 **SECTION VIII.** Chapter 8, (Building and Building Regulations), Article 11 (Construction
16 Code) Division 4 (Florida Building Code), Part 2 Administration and Enforcement, Section 105,
17 of the Hernando County Code of Ordinance is amended to read as follows, with underlined
18 language added and strike through language deleted:
19

20 **Sec. 8-98. - Scope and administration**
21

22 SECTION 105 PERMITS

23 *105.14 Permit issued on basis of an affidavit.* The building official may accept a sworn
24 affidavit from a registered architect or engineer stating that the plans submitted conform to the
25 technical codes and Flood Regulations following verification by the building official that said
26 approval is not contrary to the County's participation with the National Flood Insurance
27 Program. For buildings and structures, the affidavit shall state that the plans conform to the
28 laws as to egress, type of construction and general arrangement and, if accompanied by
29 drawings, show the structural design and that the plans and design conform to the requirements
30 of the technical codes as to strength, stresses, strains, loads and stability. The building official
31 may without any examination or inspection accept such affidavit, provided the architect or
32 engineer who made such affidavit agrees to submit to the building official copies of inspection
33 reports as inspections are performed and upon completion of the structure, electrical, gas,
34 mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or
35 plumbing system has been erected in accordance with the requirements of the technical codes
36 and other pertinent laws, or ordinances, ~~or Flood Regulations~~. Where the Building Official
37 relies upon such affidavit, the architect or engineer shall assume full responsibility for the
38 compliance with all provisions of the technical codes and other pertinent laws or ordinances
39 and provide the Building Official with a signed and sealed statement to this affect prior to the
40 issuance of a certificate of occupancy or letter of completion. The building official shall ensure
41 that any person conducting plans review or inspections is qualified as an inspector or plans
42 examiner licensed under Chapter 468 Part XII, Florida Statutes.
43

1 **SECTION IX.** Chapter 8, (Building and Building Regulations), Article 11 (Construction Code)
2 Division 4 (Florida Building Code), Section 8-99 (Technical amendment to the Florida Building
3 Code, residential related to flood resistant construction), of the Hernando County Code of
4 Ordinance is amended to read as follows, with underlined language added and strike through
5 language deleted:

6
7 **Sec. 8-99. - Technical amendment to the Florida Building Code, residential related to flood-**
8 **resistant construction.**

9 R322 FLOOD RESISTANT CONSTRUCTION

10 *~~R322.2.1 Elevation requirements.~~*

11 ~~1. — Buildings and structures in flood hazard areas not designated as Coastal A Zones shall~~
12 ~~have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design~~
13 ~~flood elevation, whichever is higher.~~

14 ~~2. — Buildings and structures in flood hazard areas designated as Coastal A Zones shall have~~
15 ~~the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the~~
16 ~~design flood elevation, whichever is higher.~~

17 ~~3. — In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest~~
18 ~~floor (including basement) elevated at least as high above the highest adjacent grade as the~~
19 ~~depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is~~
20 ~~not specified.~~

21 ~~4. — Basement floors that are below grade on all sides shall be elevated to or above the base~~
22 ~~flood elevation plus 1 foot or the design flood elevation, whichever is higher. Exception:~~
23 ~~Enclosed areas below the design flood elevation, including basements whose floors are not~~
24 ~~below grade on all sides, shall meet the requirements of Section R322.2.2.~~

25 *~~R322.2.2 Enclosed areas below design flood elevation.~~* Enclosed areas, including crawl spaces,
26 that are below the design flood elevation shall:

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

31 *~~R322.3.2 Elevation requirements.~~*

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

1 1.1 — ~~Located at or above the base flood elevation plus 1 foot or the design flood~~
2 ~~elevation, whichever is higher, if the lowest horizontal structural member is oriented parallel to~~
3 ~~the direction of wave approach, where parallel shall mean less than or equal to 20 degrees~~
4 ~~(0.35 rad) from the direction of approach, or~~

5 1.2 — ~~Located at the base flood elevation plus 2 feet, or the design flood elevation,~~
6 ~~whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the~~
7 ~~direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad)~~
8 ~~from the direction of approach.~~

9 2. — ~~Basement floors that are below grade on all sides are prohibited.~~

10 3. — ~~The use of fill for structural support is prohibited.~~

11 4. — ~~Minor grading, and the placement of minor quantities of fill, shall be permitted for~~
12 ~~landscaping and for drainage purposes under and around buildings and for support of parking~~
13 ~~slabs, pool decks, patios and walkways.~~

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

16 **SECTION X.** Chapter 8, (Building and Building Regulations), Article 11 (Construction Code)
17 Division 4 (Florida Building Code), Part 2 Administration and Enforcement, of the Hernando
18 County Code of Ordinance is amended to delete Sections 8-100 and 8-101 as follows:

19
20 ~~**Sec. 8-100. – Technical amendment to the Florida Building Code, building related to flood**~~
21 ~~**loads and substantial improvement.**~~

22 1612 FLOOD LOADS

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

29 1. — ~~Any project for improvement of a building required to correct existing health, sanitary~~
30 ~~or safety code violations identified by the building official and that are the minimum necessary~~
31 ~~to assure safe living conditions.~~

32 2. — ~~Any alteration of a historic structure provided that the alteration will not preclude the~~
33 ~~structure's continued designation as a historic structure.~~

~~1 **Sec. 8-101. Technical amendment to the Florida Building Code, existing building related**~~
~~2 **to definitions and substantial improvement.**~~

~~3 **202 GENERAL DEFINITIONS**~~

~~4 *SUBSTANTIAL IMPROVEMENT.* Any combination of repair, reconstruction, rehabilitation,~~
~~5 ~~addition or improvement of a building or structure taking place during a 5-year period prior to~~~~
~~6 ~~the date of permit application, the cumulative cost of which equals or exceeds 50 percent of the~~~~
~~7 ~~market value of the structure before the improvement or repair is started. If the structure has~~~~
~~8 ~~sustained substantial damage, any repairs are considered substantial improvement regardless of~~~~
~~9 ~~the actual repair work performed. The term does not, however, include either:~~~~

~~10 1. Any project for improvement of a building required to correct existing health, sanitary~~
~~11 ~~or safety code violations identified by the building official and that are the minimum necessary~~~~
~~12 ~~to assure safe living conditions.~~~~

~~13 2. Any alteration of a historic structure provided that the alteration will not preclude the~~
~~14 ~~structure's continued designation as a historic structure.~~~~

~~15 **SECTION XI. APPLICABILITY.**~~

~~16 For the purposes of jurisdictional applicability, this ordinance shall apply in all unincorporated~~
~~17 ~~areas of Hernando County. This ordinance shall apply to all applications for development,~~~~
~~18 ~~including building permit applications and subdivision proposals, submitted on or after the~~~~
~~19 ~~effective date of this ordinance.~~~~

~~20~~
~~21 **SECTION XII. INCLUSION INTO THE CODE OF ORDINANCES.**~~

~~22 It is the intent of the Hernando County Board of County Commissioners that the provisions of~~
~~23 ~~this ordinance shall become and be made a part of the Hernando County Code of Ordinances,~~~~
~~24 ~~and that the sections of this ordinance may be renumbered or relettered and the word "ordinance"~~~~
~~25 ~~may be changed to "section," "article," "regulation," or such other appropriate word or phrase in~~~~
~~26 ~~order to accomplish such intentions.~~~~

~~27~~
~~28 **SECTION XIII. SEVERABILITY.**~~

~~29 If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason,~~
~~30 ~~declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity~~~~
~~31 ~~of the ordinance as a whole, or any part thereof, other than the part so declared.~~~~

~~32~~
~~33 **SECTION XIV. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature~~
~~34 ~~applicable only to unincorporated areas of Hernando County, Hernando County ordinances,~~~~
~~35 ~~County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this~~~~
~~36 ~~ordinance to the extent of such conflict except for ordinances concerning either adoption or~~~~
~~37 ~~amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.~~~~

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

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

5
6 **SECTION XVI. EFFECTIVE DATE.**

7 This ordinance shall take effect immediately upon filing with the Department of State.

8
9 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 24th **DAY OF**
10 August, 2021

11
12 **BOARD OF COUNTY COMMISSIONERS**
13 **HERNANDO COUNTY, FLORIDA**

14
15 Attest: Heidi Kuyper, D.C.
16 for DOUGLAS CHORVAT, CLERK

17
18 By: [Signature]
19 JOHN ALLOCCO, CHAIRMAN

20 (SEAL)

21 **Approved as to Form and**
22 **Legal Sufficiency**

23 By: [Signature]

