

ORDINANCE 99-26

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 13- FLOOD DAMAGE PREVENTION AND PROTECTION; BY PROVIDING FOR A SHORT TITLE; BY PROVIDING FOR AUTHORITY; BY AMENDING ARTICLE I, SECTION 13-5, DEFINITIONS THROUGH THE CREATION OF A DEFINITION FOR "COST"; THROUGH THE DELETION OF THE DEFINITIONS FOR "SUBSTANTIAL DAMAGE - AREA OF SPECIAL FLOOD HAZARD (A-ZONE)" AND "SUBSTANTIAL DAMAGE - COASTAL HIGH HAZARD AREA (V-ZONE)", AND CREATION OF A DEFINITION FOR "SUBSTANTIAL DAMAGE"; THROUGH THE DELETION OF THE DEFINITIONS FOR "SUBSTANTIAL IMPROVEMENT - AREA OF SPECIAL FLOOD HAZARD (A-ZONE)", AND "SUBSTANTIAL IMPROVEMENT - COASTAL HIGH HAZARD AREA (V-ZONE)"; AND CREATION OF A DEFINITION FOR "SUBSTANTIAL IMPROVEMENT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS FINDS THAT:

SECTION 1: SHORT TITLE

This article shall be known and cited as the "Hernando County Flood Damage Prevention and Protection Ordinance".

SECTION 2: AUTHORITY

This article is adopted pursuant to the general laws of Florida, and the provisions hereof and all sections contained herein shall be construed as having been adopted in the interests of the health, safety and general welfare of the people and environment of Hernando County, Florida.

SECTION 3: BY AMENDING ARTICLE I, SECTION 13-5, DEFINITIONS, AS FOLLOWS:

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as

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to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Appeal means a request for a review of the county administrator's or his designee's interpretation of any provision of this chapter or a request for a variance.

Area of shallow flooding means a designated A or V Zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood Elevation means the vertical height above mean sea level to which water is expected to rise in a one-hundred (100) year storm event, and shall be determined for any proposed development site by reference to the FEMA flood insurance study if no site specific data are available, but by such site specific data if same are available from any source and are certified by a Florida Registered Professional Engineer or registered professional land surveyor.

Basement means that portion of a building between floor and ceiling, which may be partly below and partly above grade.

Breakaway walls or frangible walls means a partition independent of supporting structural members that will withstand design wind forces, but will fail under hydrostatic wave, and range forces associated with the design storm surge. Under such conditions, the wall will fail in a manner such that it dissolves or breaks up into components that will not act as potentially damaging missiles.

Building means any structure built for support, shelter or enclosure for any occupancy or storage.

Cost is the actual value, which is determined by using normal market values, of all labor, materials, services, and equipment, which is required to fully improve the structure, or to fully repair the structure to its before damaged condition.

Coastal high hazard area means the area subject to high-velocity waters caused by, but not limited to, hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone V1-30.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Elevated building means a nonbasement building (1) built, in the case of a building in Zones A, AH, B, AO, V1-30, C, to have the bottom of the lowest horizontal structure member of the elevated floor above the ground level by means of pilings, columns (post or piers), or shear wall parallel to the flow of the water and (2) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AH, AO, B, C, "Elevated buildings" also includes a building elevated by means of fill or solid foundations perimeter walls with openings sufficient to facilitate the unimpeded movements of flood waters meeting the standards of Section 13-61 paragraph (C). In the case of Zones V1-30, and V, "elevated buildings" also include a building meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 13-61(E), paragraph 8(a), of the Hernando County Code of Ordinances.

Existing construction means, for the purpose of determining rates, structures for which

the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date.

Existing mobile home park, mobile home subdivision, manufactured home park or manufactured home subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this chapter.

Expansion to an existing mobile home park, mobile home subdivision, manufactured home subdivision or manufactured home park, means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets). Any expansion is considered "new construction".

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland to tidal waters;
2. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood insurance rate map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zoned applicable to the community.

Flood insurance study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary-floodway map and the water surface elevation of the base flood.

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

Floor means the top surface of an enclosed area in a building (including basement); i.e., top of slab in concrete slab construction or top of wood flooring in wood-frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Governing Body means the County Commission for Hernando County, Florida.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;

or

- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

Mangrove stand means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: Black mangrove (*Avicennia Nitida*), red mangrove (*Rhizophora Mangle*); white mangrove (*Languncularia Racemosa*); and buttonwood (*Conocarpus Erecta*).

Mean sea level means the average height of the sea for all states of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Mobile home or manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park model trailers, and similar transportable structures placed on a site for one hundred eighty (180) days or longer and intended to be improved property. For the purposes of this chapter, the term "mobile home" includes "manufactured home."

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted April 17, 1984, by Hernando County and includes any subsequent improvements to such structures.

New mobile home park, mobile home subdivision, manufactured home park or manufactured home subdivision means a parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of street) is completed on or after the effective date of this ordinance.

Recreational vehicle (for floodplain management purposes) means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a motorized vehicle, and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Start of construction [for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footing, the

installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory building such as garages or sheds not occupies as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, a mobile home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance is a grant of relief to a person from the requirement of this chapter which

permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

SECTION 6. INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County (Land Development Regulations) as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

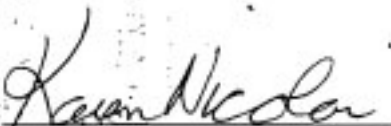
SECTION 7. EFFECTIVE DATE

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

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION
THIS 9th DAY OF NOVEMBER , 1999.**

(SEAL)

Attest:



KAREN NICOLAI, Clerk

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

By:



PAT NOVY, Chairman