

ORDINANCE 90-6

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, CHAPTER 13, FLOOD DAMAGE PREVENTION AND PROTECTION, BY AMENDING SECTION 13-5 DEFINITIONS TO ADD THE DEFINITIONS OF HISTORIC STRUCTURE, SUBSTANTIAL DAMAGE, AND RECREATIONAL VEHICLE; BY AMENDING SECTION 13-5 DEFINITIONS TO AMEND THE DEFINITIONS OF NEW CONSTRUCTION, START OF CONSTRUCTION, AND SUBSTANTIAL IMPROVEMENT; BY AMENDING SECTION 13-61 SPECIFIC STANDARDS BY ADDING ADDITIONAL STANDARDS FOR MOBILE HOMES, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION INTO THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE

FILED
90 MAY -2 PM 2:50
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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

SECTION 1. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 13, FLOOD DAMAGE PREVENTION AND PROTECTION, SECTION 13-5 IS HEREBY AMENDED BY ADDING ALPHABETICALLY THE DEFINITIONS OF:

1. "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.
2. "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 (fifty) percent of the market value of the structure before the damage occurred.
3. "Recreational Vehicle" (for floodplain management purposes) means a vehicle which is:
 - (1) built on a single chassis;
 - (2) 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.

SECTION 2. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 13, FLOOD DAMAGE PREVENTION AND PROTECTION, SECTION 13-5 IS HEREBY AMENDED BY REVISING THE DEFINITIONS AS FOLLOWS:

1. "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.

2. "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 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 footings, 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 buildings, such as garages or sheds not occupied 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.

3. "Substantial improvement" means any rehabilitation, addition, reconstruction, or improvement of a structure taking place during a five year period in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure, either before the initial improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred regardless of the actual work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. 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 specification, which have been identified by the local 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".

SECTION 3. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 13, FLOOD DAMAGE PREVENTION AND PROTECTION, SECTION 13-61 (C) IS HEREBY AMENDED TO ADD:

- (4) For mobile homes that are placed or substantially improved within Zones A1-30, A, AO, AE, and AH on the community's FIRM on sites:
 - (a) outside of a mobile home park or subdivision;
 - (b) in a new mobile home park or subdivision;
 - (c) in an expansion to an existing mobile home park or subdivision; or
 - (d) in an existing mobile home park or subdivision on which a mobile home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the mobile home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

- (5) For mobile homes to be placed or substantially improved on sites in an existing mobile home park or subdivision within Zones A1-30, A, AO, AE, and AH on the community's firm that are not subject to the provision of Section 13-61 (C)(4) of this chapter be elevated so that either
- (a) the lowest floor of the mobile home is at or above the base flood elevation; or
 - (b) the mobile home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, or lateral movement.

SECTION 4. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 13, FLOOD DAMAGE PREVENTION AND PROTECTION, SECTION 13-61 (E)(11) IS HEREBY AMENDED TO READ:

- (11) Prohibit the placement of mobile homes, except in an existing mobile home park or subdivision where a mobile home has incurred substantial damage as a result of a flood. The replacement of such mobile home must meet all of the requirements of Sections 13-60 and 13-61 of this chapter.

SECTION 5. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 13, FLOOD DAMAGE PREVENTION AND PROTECTION, SECTION 13-61 (E)(12) IS HEREBY AMENDED TO READ:

- (12) Mobile homes that are substantially improved in an existing mobile home park or subdivision shall be elevated so that either
- a. the lowest supporting horizontal member is at or above the base flood elevation; or
 - b. the mobile home chassis is supported by reinforced piers or other foundation elements of a least equivalent strength that are no less than thirty six (36) inches above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

SECTION 6. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 13, FLOOD DAMAGE PREVENTION AND PROTECTION, SECTION 13-61 (E) IS HEREBY AMENDED TO ADD:

- (13) Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except as provided for in subsection (E)(8) and (9) of this chapter.

SECTION 7. 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 8. INCLUSION INTO THE CODE

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this ordinance may be re-numbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION 9. EFFECTIVE DATE

This ordinance shall become effective upon receipt of the official acknowledgement 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 26th DAY OF April , 1990

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY 
HENRY D. LEBBETTER, CHAIRMAN

ATTEST 
KAREN NICOLAI, CLERK

