

ORDINANCE 88-30

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

88 OCT -4 PM 5:20

FILED

AN ORDINANCE AMENDING THE HERNANDO COUNTY
CODE OF ORDINANCES, CHAPTER 13, FLOOD DAMAGE
PREVENTION AND PROTECTION, BY AMENDING SECTION
13-5 DEFINITIONS TO MODIFY EXISTING
DEFINITIONS; PROVIDING A SEVERANCE CLAUSE;
PROVIDING FOR INCLUSION INTO THE CODE;
PROVIDING AN EFFECTIVE DATE.

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
TO READ:

Unless specifically defined below, words or phrases used in
this ordinance shall be interpreted so as to give them the
meaning they have in common usage and to give this ordinance
its most reasonable application.

1. "Appeal" means a request for a review of the County
Administrator or his designee interpretation of any
provision of this ordinance or a request for a
variance.
2. "Area of shallow flooding" means a designated AO or VO
Zone on a community's Flood Insurance Rate Map (FIRM)
with base flood depths from one to three 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.
3. "Area of special flood hazard" is the land in the flood
plain within a community subject to a one percent or
greater chance of flooding in any given year.
4. "Basement" means that portion of a building between
floor and ceiling, which may be partly below and partly
above grade.
5. "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.
5. "Building" means any structure built for support,
shelter, or enclosure for any occupancy or storage.
6. "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.
7. "Coastal Building Zone Control Line" means that land
area from the seasonal high water line to a line
landward of the Coastal Construction Control Line
established pursuant to the Florida Statutes, Section
161.053. For the purpose and intent of enforcing this
ordinance, the establishment of the Coastal Building
Zone Control Line will be determined by the most inland
velocity line as determined by the Federal Flood
Insurance Rate Maps.
8. "Development" means any man-made 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.

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9. "Elevated Building" means a non-basement 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 (A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters) sufficient to facilitate the unimpeded movements of flood waters. 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 8A, of the Hernando County Code of Ordinances.
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10. "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.
11. "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 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 ordinance.
12. "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".
13. "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 or tidal waters;
(2) the unusual and rapid accumulation of runoff of surface waters from any source.
14. "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.
15. "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 zones applicable to the community.
16. "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-

1 Floodway Map and the water surface elevation of the
2 base flood.

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

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

13 19. "Highest Adjacent Grade" means the highest natural
14 elevation of the ground surface, prior to construction,
15 next to the proposed walls of a structure.

16 20. "Mangrove stand" means an assemblage of mangrove trees
17 which is mostly low trees noted for a copious
18 development of interlacing adventitious roots above the
19 ground and which contain one or more of the following
20 species: black mangrove (*Avicennia Nitida*); red
21 mangrove (*Rhizophora Mangle*); white mangrove
22 (*Languncularia Racemosa*); and buttonwood (*Conocarpus*
23 *Erecta*).

24 21. "Mean Sea Level" means the average height of the sea
25 for all stages of the tide. It is used as a reference
26 for establishing various elevations within the flood
27 plain. For purposes of this ordinance, the term is
28 synonymous with National Geodetic Vertical Datum
29 (NGVD).

30 22. "Mobile home or Manufactured home" means a structure,
31 transportable in one or more sections, which is built
32 on a permanent chassis and designed to be used with or
33 without a permanent foundation when connected to the
34 required utilities. The term also includes park model
35 trailers, and similar transportable structures placed
36 on a site for 180 consecutive days or longer and
37 intended to be improved property.

38 23. "National Geodetic Verticle Datum (NCVD)" as corrected
39 in 1929 is a verticle control used as a reference for
40 establishing varying elevations within the flood plain.

41 24. "New Construction" means structures for which the
42 "start of construction" commenced on or after the
43 effective date of this ordinance.

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

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

57 27. "Start of construction" means the first placement of
58 permanent construction of a structure (including a
59 mobile home) on a site, such as the pouring of slabs or
60 footings or any work beyond the stage of excavation,
61 including the relocation of a structure. Permanent
62 construction does not include the installation of
63 streets and/or walkways; nor does it include excavation
64 for a basement, footings, piers or foundation or the
65 erection of temporary forms; nor does it include the
66 installation on the property of accessory buildings,
67 such as garages or sheds not occupied as dwelling
68 units or not a part of the main structure. For a
69 structure (including a mobile home) without a basement

1 or poured footings, the "start of construction"
2 includes the first permanent framing or assembly of the
3 structure or any part thereof on its piling or
4 foundation. For mobile homes not within a mobile home
5 park or mobile home subdivision, "start of
6 construction" means the affixing of the mobile home to
7 its permanent site. For mobile homes within mobile
8 home parks or mobile home subdivisions, "start of
9 construction" is the date on which the construction of
10 facilities for servicing the site on which the mobile
11 home is to be affixed (including, at a minimum, the
12 construction of streets, either final site grading or
13 the pouring of concrete pads and installation of
14 utilities) is completed.

15 28. "Structure" means a walled and roofed building that is
16 principally above ground, a mobile home, a gas or
17 liquid storage tank, or other man-made facilities or
18 infrastructures.

19 29. "Substantial improvement" means any repair,
20 reconstruction, or improvement of a structure, taking
21 place during a five (5) year period in which the
22 cumulative cost equals or exceeds fifty (50) per cent
23 of the market value of the structure, either before the
24 initial improvement or repair is started or, if the
25 structure has been damaged and is being restored,
26 before the damage occurred. For the purposes of this
27 definition, "Substantial Improvement" is considered to
28 considered to occur when the first alteration of any
29 wall, ceiling, floor or external dimensions of the
30 structure. The term does not, however, include either
31 any project for improvement of a structure to comply
32 with existing state or local health, sanitary or safety
33 code specification, which are solely necessary to
34 assure safe living condition, or any alteration of a
35 structure listed on the national register of historic
36 places or a state inventory of historic places.

37 30. "Variance" is a grant of relief to a person from the
38 requirements of this ordinance which permits
39 construction in a manner otherwise prohibited by this
40 ordinance where specific enforcement would result in
41 unnecessary hardship.

42 SECTION 2. SEVERABILITY

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

48 SECTION 3. INCLUSION INTO THE CODE


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

58 SECTION 4. EFFECTIVE DATE


59 This Ordinance shall become effective upon receipt of
60 the official acknowledgement from the office of the
61 Secretary of State of the State of Florida that this
62 Ordinance has been filed with said office.

1. ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION
2. THIS 28th DAY OF September, 1988.

3. BOARD OF COUNTY COMMISSIONERS
4. HERNANDO COUNTY, FLORIDA

5. BY 
6. DAVID D. RUSSELL SR., CHAIRMAN

7. SEAL

8. ATTEST 
9. KAREN NICOLAI, CLERK