

ORDINANCE NO. 77-9

FLOODPLAIN MANAGEMENT REGULATIONS

SECTION 1. PURPOSES, GOALS, AND BENEFITS. The purpose and intent of this Ordinance is to protect and promote the public health, safety, and welfare by controlling development in flood hazard areas in such a manner as to minimize damage and loss of life due to flooding, thereby minimizing the costs incurred upon the public by flood damage.

The goals of this Ordinance are to bring about a better respect for and understanding of flood hazard areas by both government and private sectors; and to use available information to encourage wise and safe use of flood hazard areas.

The benefits derived from the use and application of this Ordinance will be the minimizing of costs to the public resulting from damage and injury where development has occurred in flood hazard areas.

SECTION 2. DEFINITIONS. As used in this Ordinance:

- a. "Area of Special Flood Hazard" means the land in the flood plain subject to a one percent or greater chance of flooding in any given year and shown as "A" on the Flood Hazard Boundary Maps and subsequent revisions thereto. The term shall be construed to include areas indicated as flood prone on any additional information available from a Federal, State, or other source until such other information has been provided by the Federal Insurance Administration.
- b. "Base Flood" means the flood having a one percent chance of being equalled or exceeded in any given year.
- c. "Board" means the Hernando County Zoning Board of Adjustments and Appeals.
- d. "Building" - see "Structure"
- e. "Construction" means the combining of materials into a structure to occupy a fixed location on the land.

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TALLAHASSEE FLORIDA

- f. "County Agency" means any committee, department, division, commission, office, authority, board or similar agency acting under authority of law to represent Hernando County and whose members or staff are either elected by the people of Hernando County, appointed or employed under the authority of such elected officials, or appointed by the Governor of the State of Florida to perform certain duties within the county, including the approval or issuance of permits for development as defined in this ordinance.
- g. "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, drilling operations or subdividing of land.
- h. "Division" means the Planning and Zoning Division of the Hernando County Department of Development.
- i. "Flooding" means:
1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters.
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (c) Mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.
 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) (a) of this

of this section.

- j. "Flood plain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of flooding).
- k. "Governing Body" means the Hernando County Board of County Commissioners.
- l. "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."
- m. "New" means on or after the effective date of this Ordinance.
- n. "Permit" means any approval to undertake development including but not limited to building permits, rezonings, zoning approvals, subdivision and development plat approvals, approval of sanitary systems, street and road construction, mining plan approvals, public service facilities, governmental buildings and facilities, excavations, dredging, filling, drilling operations or any other development activity approval or permit from any county agency.
- o. "Program Rules and Regulations" means the rules and regulations established by the Federal Insurance Administration for administration of the National Flood Insurance Program authorized by 42 U.S.C. 4001-4128.
- p. "Structure" means for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home. "Structure" for insurance coverage purposes means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a mobile home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include

building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

- q.. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes 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 that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- r. "Variance" means a grant of relief from the requirements of this Ordinance.

SECTION 3. GENERAL PROVISIONS

- a. Applicability: The regulations set forth herein shall apply in all areas of special flood hazard within the unincorporated areas of Hernando County, Florida.
- b. Permit; Review; Application
1. Permit Required: It shall be unlawful to commence any construction or development or substantial improvement to any existing structure within the flood hazard areas in the unincorporated area of Hernando County, Florida, without having first obtained a permit authorizing such construction or development.
 2. Permit Review Required: Prior to issuance of any permit authorizing any development such permit shall

be reviewed by all appropriate county agencies for the following:

- (a) To assure that all permits known to be necessary have been received from those governmental agencies from which approval is required by Federal or State law. Upon issuance such permits shall be clearly marked with a notation alerting the permittee that additional approvals may be required from other agencies.
- (b) To determine whether proposed building sites will be reasonably safe from flooding.
- (c) To determine whether proposed subdivisions and other new development proposals will be reasonably safe from flooding.

3. Applications: Applications for permits shall include the following:

- (a) description of proposed project or building
- (b) legal description
- (c) the elevation in relation to mean sea level of the lowest habitable floor (including basement) of all new structures and whether or not such structures contain a basement
- (d) if the structure has been floodproofed, the elevation in relation to mean sea level to which the structure was floodproofed
- (e) base flood elevation data if the proposed development is a subdivision or other new development greater than fifty (50) lots or five (5) acres whichever is the lesser
- (f) any other information necessary to determine or assure compliance with this Ordinance and the Program Rules and Regulations

Application shall be made to the appropriate county agency pursuant to other ordinances and/or state or federal laws.

c. Requirements for Developments in Floodprone Areas:

All developments in floodprone areas shall meet the following standards as applicable:

1. Building sites where base flood elevation data is available.
 - (a) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the base flood level.
 - (b) All new construction and substantial improvements of nonresidential structures shall have the lowest floor (including basement) elevated or floodproofed to or above the base flood level.
2. Building sites in floodprone areas where base flood elevation data is not available. All new construction and substantial improvements (including prefabricated structures and mobile homes) shall
 - (a) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (b) be constructed with materials and utility equipment resistant to flood damage.
 - (c) be constructed by methods and practices that minimize flood damage as approved by the Building Division.
3. Subdivision proposals and other new developments -
Subdivision proposals and other new developments shall
 - (a) be consistent with the need to minimize flood damage within the floodprone area
 - (b) include provisions for all public utilities and facilities; such as sewer, gas, electrical, and water systems be located and constructed to minimize or eliminate flood damage.
 - (c) provide for adequate drainage to reduce exposure to flood hazards.

4. Water Systems - New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood water into the systems.

5. Sanitary Sewage Systems and Septic Tanks

(a) Sanitary Sewage Systems - New and replacement sanitary sewage systems shall be designed and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(b) Septic Tanks - New and Replacement septic tanks or other on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

6. Mobile Homes - Mobile homes shall be anchored, and/or elevated and/or their locations restricted with respect to floodprone areas and special hazard areas as specified by the Program Rules and Regulations.

d. Provisions Declared to be Minimum Requirements

The provisions of this Ordinance are intended to be minimum requirements and shall take precedence over any less restrictive conflicting local laws, ordinances, or codes.

e. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Board of County Commissioners or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 4. EVACUATION PLAN

Within sixty (60) days of the effective date of this Ordinance, the Department of Civil Defense shall prepare an evacuation plan for mobile home parks, mobile home subdivisions, and other developments located within Zone A on the Flood Hazard Boundary Maps. The plan shall indicate alternate vehicular access and escape routes. Said evacuation plan shall be approved by the Board of County Commissioners and shall be maintained on file in both the Office of the Director of the Department of Civil Defense and in the Office of the Board of County Commissioners.

SECTION 5. ADMINISTRATION

- a. Variances: Variances authorizing specific deviations from the requirements of this Ordinance and the Program Rules and Regulations may be approved by the Board. Approval of such variances shall be conditioned upon the conditions and procedures outlined by the Program Rules and Regulations.
- b. Procedure: Upon receiving a complete variance application, the Division shall schedule the application for public hearing at the earliest practical regularly scheduled meeting of the Board. At such a hearing, the Board shall review and approve, deny, or table the variance application as appropriate. The Chairman may schedule special meetings when necessary.
- c. Applications: Variance application filing dates shall be as established for zoning variances. Applications shall include such information as may be required for zoning variances and any additional information necessary for adequate review.
- d. Notice Requirements: Notice requirements shall be as follows:
 1. The Division shall mail a notice to all adjoining property owners advising such owners of the variance applied for and the time, date, and place of the

scheduled hearing. Such notices shall be mailed at least ten (10) days before the scheduled hearing.

2. A sign shall be posted on the property by the applicant at least fifteen (15) days before the scheduled hearing advising of the time, date, place, and subject of the scheduled hearing. Such sign shall be posted on the street side of the property in a conspicuous location.

e. Fees: Fees shall be as follows:

1. Variance Application Filing Fee \$20.00

f. Records: Neat and accurate records shall be kept of all procedures regulated by this Ordinance and the National Flood Insurance Program. Such records shall be kept by the agency or agencies involved. Such records shall specifically reflect any findings, conditions, or justifications applicable to review procedures; such as, in the review of permit and variance applications. Any and all applicable elevations shall be specifically recorded in feet above mean sea level where possible.

g. Violations; Remedies; Penalties

1. Violations: Any person or entity owning and/or occupying any building or structure that is erected, constructed, reconstructed, altered, repaired, or maintained, or any building, structure, land or water used in violation of this Ordinance shall be subject to the penalties provided for in this Ordinance.

2. Remedies: The Governing Body or any appropriate official of the Governing Body shall issue notice to all violators of this Ordinance and shall order that such violations cease. The Governing Body may also authorize any appropriate officer, bureau, department, or agency to disconnect utilities serving the premises in violation. If necessary, the Governing Body, or any appropriate official of the Governing Body, may institute appropriate action in court to eliminate any violation of the Ordinance.

3. Penalties: Any person or entity violating any provision of this Ordinance shall upon conviction be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) or imprisoned for a term not to exceed sixty (60) days or both fined and imprisoned for each conviction.

SECTION 6. CONFLICT WITH OTHER INSTRUMENTS

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future ordinance of Hernando County, the most restrictive shall apply.

SECTION 7. VALIDITY

If any provision of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this Ordinance.

SECTION 8. REPEALER


All prior ordinances or parts of prior ordinances which specifically regulate and refer to floodplains as "floodplains," or "floodprone areas," or "land subject to flooding" are hereby repealed.

SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect upon its recording in the Office of the Secretary of State.

ADOPTED in Regular Session this 20th day of September, 1977.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY

By:  _____
CHARLES R. SMITH, CHAIRMAN

Attest:  _____
HAROLD WILLIAM BROWN, CLERK