

REGULAR MEETING  
OCTOBER 10, 2016  
9:00 A.M.

**BOOK 37 PAGE 407**

The Lafayette County Commission met on the above date and hour for a regular scheduled meeting. The meeting was held in the County Commissioner's meeting room in Mayo, Florida. The following members were present: Commissioner Lance Lamb, Dist. 1; Commissioner Thomas E. Pridgeon, Jr., Dist. 2; Commissioner Donnie Hamlin, Dist. 3; Commissioner Anthony Adams, Dist. 4; Commissioner Earnest L. Jones, Dist. 5; and Leenette McMillan-Fredriksson, County Attorney.

**OPEN THE BOARD OF ADJUSTMENTS MEETING**

**RESOLUTION NO. SE 16-04**

On a motion by Mr. Lamb and a second by Mr. Adams, the Board voted unanimously to have Mrs. McMillan-Fredriksson read Resolution No. SE 16-04 by title only.

On a motion by Mr. Lamb and a second by Mr. Jones, the Board voted unanimously to adopt Resolution No. SE 16-04, which approves a petition by Heath Buchanan to build poultry houses.

**ADJOURN THE BOARD OF ADJUSTMENTS MEETING**

On a motion by Mr. Jones and a second by Mr. Pridgeon, the Board voted unanimously to adjourn the Board of Adjustments meeting.

**OPEN THE BOARD OF COUNTY COMMISSIONERS MEETING**

**APPROVE THE MINUTES**

On a motion by Mr. Lamb and a second by Mr. Jones, the Board voted unanimously to approve the minutes.

**PUBLIC HEARING – ORDINANCE REVISING FLOOD DAMAGE PREVENTION**

The Board held a Public Hearing, continued from the meeting on September 26, 2016, to consider adopting an Ordinance revising chapter 8 Flood Damage Prevention Regulations of the

Land Development Regulations. On a motion by Mr. Adams and a second by Mr. Jones, the Board voted unanimously to adopt the Ordinance.

**BUILDING INSPECTOR POSITION**

The Board discussed the Building Inspector position with Mac Hinkle, who the Board hired at the special meeting on October 6, 2016. His starting date will be November 1, 2016.

**FLORIDA DEPARTMENT OF TRANSPORTATION**

Bill Henderson, with the Florida Department of Transportation, discussed the tentative Five Year Work Plan with the Board. No action was taken on this issue. The Board discussed sending a letter to Greg Evans, the District Secretary with the Florida Department of Transportation, to thank him for his work at the red light.

**APPROVE THE BILLS**

On a motion by Mr. Pridgeon and a second by Mr. Jones, the Board voted unanimously to approve the following bills:

General Fund - \$401,160.63

Emergency 911 Fund - \$959.32

**INTERLOCAL AGREEMENT – VETERAN’S SERVICE OFFICER**

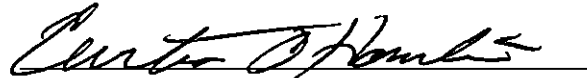
On a motion by Mr. Pridgeon and a second by Mr. Jones, the Board voted unanimously to approve the Interlocal Agreement with Suwannee County for Veteran’s Service Officer, and to authorize the Chairman to sign the Agreement once it has been drafted which will expedite the process.

**FRDAP GRANT RESOLUTION**

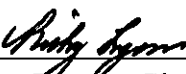
On a motion by Mr. Jones and a second by Mr. Adams, the Board voted unanimously to have Mrs. McMillan-Fredriksson read the FRDAP Grant Resolution by title only. On a motion by Mr. Jones and a second by Mr. Lamb, the Board voted unanimously to adopt the Resolution.

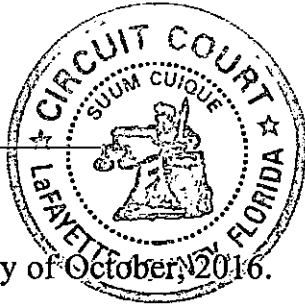
ADJOURN

On a motion by Mr. Jones and a second by Mr. Adams, the Board voted unanimously to adjourn.

  
Curtis O. Hamlin,  
Chairman

Attest:

  
Ricky Lyons, Clerk



Approved this 24<sup>th</sup> day of October, 2016.

**From:** Ellis Gray [ellisg@suwgov.org]  
**Sent:** Friday, September 23, 2016 10:50 AM  
**To:** Ricky Lyons  
**Subject:** CVSO

Mr. Lyons,

If Lafayette county considered combining with Suwannee county as a single CVSO it may save both counties money. Mr. Black worked only on Wed in Mayo. I would be willing to go down there if it could be worked out with both Counties. I'm fully qualified and up to date on VA issues. This may be an option that would work in veterans and Lafayette county's favor.

Mr. Ellis Gray CVSO  
CWO2 USCG (Ret)  
SGT 82nd ABNDIV  
386-364-3403  
fax386-364-3403  
[ellisg@suwgov.org](mailto:ellisg@suwgov.org)  
224 Pine Ave.  
Live Oak, FL 32064

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330 SE Jim Land Rd.

Mayo, Florida 32066

September 19, 2016

FILED  
2016 SEP 26 AM 8:05

FLORIDA  
CLERK OF COURT  
LAFAYETTE COUNTY

Mr. Ricky Lyons

Lafayette County Clerk of Court

P.O. Box 88

Mayo, Florida 32066

**BOOK 37 PAGE 411**


Re: Rock on Private Land Adjacent Arlington Road

Dear Mr. Lyons,

Due to the continuing problems concerning the rock that was placed on private land belonging to me by the Lafayette County Board of Commissioners without my knowledge or my permission, I am requesting that the board address this matter. Subsequently, I am expecting a timely reply with a proposal for a solution.

Thank you.

Sincerely,



Carolyn Pearson

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**LAFAYETTE COUNTY SOLID WASTE/LANDFILL  
AUGUST 2016  
REPORT**

[illegible]

HC

# LAFAYETTE COUNTY BUILDING DEPARTMENT REPORT FOR AUGUST 2016

PERMIT	IMPACT FEE	NEW	MOBILE	CAMPER	MISC	SRCHG	TOTAL
		CONSTRUCTION					
2M16-128					75.00	4.00	79.00
2M16-129							0-FEE WAIVED
2M16-130					75.00	4.00	79.00
2M16-131					75.00	4.00	79.00
2M16-132					75.00	4.00	79.00
2M16-133	300.00		300.00		150.00	4.50	754.50
2M16-134					75.00	4.00	79.00
2M16-135					75.00	4.00	79.00
2M16-136					169.73	5.09	174.82
2M16-137					75.00	4.00	79.00
2M16-138					75.00	4.00	79.00
2M16-139					75.00	4.00	79.00
2M16-140					75.00	4.00	79.00
2M16-141					150.00	4.50	154.50
2M16-142			150.00		150.00	4.50	304.50
2M16-143	300.00		300.00		150.00	4.50	754.50
2M16-144		(CARPORT 681 SQ FT)142.61				4.28	146.89
2M16-145	300.00	(NEW SFR 1966 SQ FT)1039.75				40.19	1379.94
2M16-146					250.00	7.50	257.50
2M16-147					97.50	4.00	101.50
2M16-148					84.00	4.00	88.00
2M16-149					100.00	4.00	104.00
2M16-150					100.00	4.00	104.00
2M16-151					150.00	4.50	154.50
2M16-152					75.00	4.00	79.00
2M16-153					246.00	7.38	253.38
2M16-154					99.06	4.00	103.06
TOTALS	900.00	1182.36	750.00	0.00	2,721.29	150.94	5,704.59
MISC. = ROOF, PLUMBING, ELECTRICAL, AG POLES, HOODS, STORAGE, REMODEL							



**LAFAYETTE COUNTY INDUSTRIAL PARK RENT  
AUGUST 2016**

BUSINESS	FEB RENT	MAR RENT	APRIL RENT	MAY RENT	JUNE RENT	JULY RENT	AUG RENT	SEPT RENT	BALANCE ON ACT
A+ Trailers & Fabrications	\$763.33	\$763.33	\$763.33	\$763.33	\$763.33	\$763.33	\$763.33		\$763.33
Agri Metal Supply	\$891.66	\$891.66	\$891.66	\$891.66	\$891.66	\$891.66	\$891.66	\$891.66	\$0.00
Animal Health International	\$545.92	\$538.17	\$538.17	\$538.17	\$538.17	\$538.17	\$538.17		\$538.17
Bell Woodworks*	\$677.00	\$677.67	\$677.50	\$677.00	\$1,356.00	\$677.67			\$1,356.88
Pearson's Ready Mix	\$557.29	\$557.29	\$557.29	\$557.29	\$557.29	\$557.29	\$557.29		\$557.29
Perry Precast	\$972.00	\$972.00	\$972.00	\$972.00	\$972.00	\$972.00	\$972.00		\$972.00
Wallace Scrap Metal	\$1,396.73	\$1,396.73	\$1,396.73	\$1,396.73	\$1,396.73	\$400.00	\$400.00		\$400.00
At Trailers, Animal Health, Pearson's Ready Mix, Perry Precast, Wallace Scrap Metal has not paid for the Month of September									
BELL WOODWORKS* HAS NOT PAID FOR THE MONTH OF AUGUST OR SEPTEMBER. THE EXTRA \$1.54 ON THE BILL BALANCE IS FROM PREVIOUS PAYMENTS NOT BEING PAID IN FULL.									
<b>ALL RENT SHALL BE DUE IN ADVANCE ON THE 1ST DAY OF EACH MONTH PER LEASE TERMS</b>									
<b>INVOICE'S ARE DATED AND MAILED OUT ON THE 9TH OF THE EACH MONTH</b>									

9/16/2016  
Casey Ditter

BOOK 37 PAGE 414

FLORIDA DEPARTMENT OF TRANSPORTATION  
5 - YEAR TRANSPORTATION PLAN (\$ IN THOUSANDS)  
TENTATIVE FY 2018 - 2022 (10/06/2016 16.26.41)  
**LAFAYETTE COUNTY**

Item No	Project Description	Work Description	Length	2018	2019	2020	2021	2022
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**Highways: State Highways**

Item No	Project Description	Work Description	Length	2018	2019	2020	2021	2022
4135241	D2-LAFAYETTE COUNTY TRAFFIC SIGNAL MAINTENANCE AGREEMENT	TRAFFIC CONTROL DEVICES/SYSTEM	.000	6 OPS	7 OPS	7 OPS	7 OPS	7 OPS

**Highways: Local Roads**

Item No	Project Description	Work Description	Length	2018	2019	2020	2021	2022
4364431	CR480 FROM SR349 TO CR500	RESURFACING	2.000	700 CST				

**Highways: Off State Hwy Sys/Off Fed Sys**

Item No	Project Description	Work Description	Length	2018	2019	2020	2021	2022
4333591	VARIOUS SIDEWALKS IN MAYO - LAFAYETTE COUNTY	SIDEWALK	.000	521 CST				
4353281	SE MCCRAY RD FROM SE BUSHY HAMMOCK RD TO END OF ROAD	ROAD RECONSTRUCTION - 2 LANE	2.900	1,088 CST				
4364561	SE TURKEY ROAD FROM SR51 TO MCCRAY ROAD	ROAD RECONSTRUCTION - 2 LANE	2.500		1,160 CST			
4374251	ISLAND DRIVE OVER PICKET LAKE CANAL BRIDGE NO334005	BRIDGE REPLACEMENT	.010	310 PE				
						90 ROW	330 ROW	
								2,000 CST
4374261	CAMP GRADE ROAD OVER STEINHATCHEE RIVER BRIDGE NO334001	BRIDGE REPLACEMENT	.010		70 ROW	120 ROW	105 ROW	
							2,125 CST	
4381741	ISLAND DRIVE BRIDGE NO334005	BRIDGE-REPAIR/REHABILITATION	.100		300 CST			
4381971	NW SUMTER AVE FROM CR53 TO DEADEND	RESURFACING	1.354		331 CST			
4400011	MONROE AVENUE FROM NORTH STREET TO MARTIN LUTHER KING BLVD	FLEXIBLE PAVEMENT RECONSTRUCT.	1.000	300 CST				

## Phase Group Descriptions

Phase	Description	Phase Group	Phase Type	Exceptions
ADM	Administration	A	Any	Excl pgm 52; Ph A8 w/pgm 39
CAP	Capital	9	Any	
CST	Construction	5,6	Any	Excl Ph 5A,5D,56,57; Cnclss 9
DSB	Design Build	5,6	Any	With Conclass 9 only
ENV	Environmental	C	Any	
INC	Contract Incentives	5	A	
LAR	Local Advance Reimburse	A	8	With Program 39 only
MNT	Brdg/Rdwy/Contract Maint	7	Any	Excl Phase 76 and 77
OPS	Operations	8	Any	
PDE	P D & E	2	Any	
PE	Preliminary Engineering	3	Any	Excl Phase 36 and 37
PLN	Planning	1	Any	
RES	Research	B	Any	
RPY	Repayments	5	D	Also Incl Ph A8 w/pgm 61,78,SB
ROW	Right of Way	4	Any	Excl Phase 46 and 47
RRU	Railroad & Utilities	Any	6,7	Excl Phase Group 1 and 2
MSC	Miscellaneous	Other	Other	

RESOLUTION NO. 2016-10-1-1

A RESOLUTION BY THE LAFAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS, LAFAYETTE COUNTY, FLORIDA, IN SUPPORT OF AN APPLICATION FOR FLORIDA RECREATIONAL DEVELOPMENT ASSISTANCE PROGRAM TO IMPROVE EDWARD PERRY SPORTS COMPLEX IN LAFAYETTE COUNTY, FLORIDA.

**WHEREAS**, there is a present and growing need for recreational enhancements and opportunities for individuals with unique abilities within LAFAYETTE County, Florida; and,

**WHEREAS**, LAFAYETTE County recognizes this need for additional recreational opportunities; and

**WHEREAS**, LAFAYETTE County is duly qualified to meet the needs of its citizens and visitors; and

**WHEREAS**, LAFAYETTE County has previously demonstrated its commitment to complying with all State laws, rules and regulations; and,

**WHEREAS**, THE Department of Environmental Protection's Florida Recreation Development Assistance Program (FRDAP) offers a Unique Abilities Grant in an amount up to \$200,000.00.

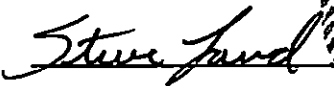
**THEREFORE**, be it resolved that LAFAYETTE COUNTY is prepared to amend the five year Capital Improvement Schedule within the County's Comprehensive Plan to incorporate a Unique Abilities project upon award of funding through the Unique Abilities grant program; and,

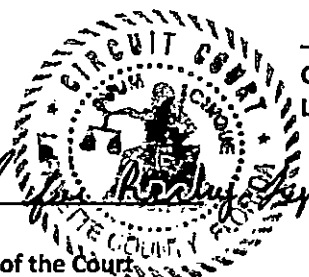
That the Chairman of LAFAYETTE County Board of County Commissioners is hereby authorized to execute all documents required in connection with the filing of said application to be submitted on or before October 28, 2016.

**PASSED AND DULY ADOPTED BY THE LAFAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS ON THIS 10<sup>th</sup> DAY OF October, 2016.**

Attest:

  
Curtis O. Hamlin, Chairman  
LAFAYETTE County Board of County Commissioners

  
Steve Land  
LAFAYETTE County Clerk of the Court



## RESOLUTION NO. SE16-04

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF LAFAYETTE COUNTY, FLORIDA, GRANTING WITH APPROPRIATE CONDITIONS AND SAFEGUARDS A SPECIAL EXCEPTION AS AUTHORIZED UNDER SECTION 3.2 OF ORDINANCE NO. 2000-5, ENTITLED LAFAYETTE COUNTY LAND DEVELOPMENT REGULATIONS; PROVIDING FOR A SPECIAL EXCEPTION TO THE PERMITTED USES WITHIN THE AGRICULTURAL "A" ZONING DISTRICT AS PROVIDED WITHIN SECTION 4.5.5. TO PERMIT THE LOCATION OF **POULTRY HOUSES** ON CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF LAFAYETTE COUNTY, FLORIDA; PROVIDING FOR REVOCATION OF THE SPECIAL EXCEPTION; REPEALING RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2000-5, entitled Lafayette County Land Development Regulations, hereinafter referred to as the Land Development Regulations, empowers the Board of County Commissioners of Lafayette County, Florida, serving as the Board of Adjustment of Lafayette County, Florida, hereinafter referred to as the Board of County Commissioners, serving as the Board of Adjustment, to grant, to grant with appropriate conditions and safeguards or deny special exceptions as authorized under Section 3.2.4 of the Land Development Regulations;

WHEREAS, a petition for a special exception, SE16-04, as described, below has been filed with the County;

WHEREAS, pursuant to the Land Development Regulations, the Board of County Commissioners, serving as the Board of Adjustment, held the required public hearing, with public notice having been provided, on said petition for a special exception, as described below, and considered all comments received during said public hearing and the Concurrence Management Analysis Report concerning said petition for a special exception, as described below;

WHEREAS, The Board of County Commissioners, serving as the Board of Adjustment, has found that they are empowered under Section 3.2 of the Land Development Regulations to grant, to grant within the AGRICULTURAL (A) zoning district;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the granting with appropriate conditions and safeguards of the said petition for special exception, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the petitioner has proposed ingress and egress to the property and proposed structures thereon for pedestrian safety and convenience, in a manner that will not have an undue impact on traffic flow and control, and access in case of fire or catastrophe;

Whereas, THE Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the special exception, as described below, is generally compatible with adjacent properties, other property in the district and natural resources; and WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that:

- (a) the proposed use would be in conformance with the Comprehensive Plan and would not have an undue adverse effect on the Comprehensive Plan;

- (b) the proposed use is compatible with the established land use pattern;
- (c) the proposed use will not materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, and streets;
- (d) the proposed use will not change conditions to the community and the neighborhood;
- (e) the proposed use will not have an undue adverse influence on living conditions in the neighborhood;
- (f) the proposed use will not create or excessively increase traffic congestion or otherwise affect public safety;
- (g) the proposed use will not create a drainage problem;
- (h) the proposed use will not seriously reduce light and air to adjacent areas;
- (i) the proposed use will not adversely affect property values in the adjacent areas;
- (j) the proposed use will not be a deterrent to the improvement of development of adjacent property in accord with existing regulations; and
- (k) the proposed use is not out of scale with the needs of the neighborhood or the community

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF LAFAYETTE COUNTY, FLORIDA, THAT:

Section 1. Pursuant to petition, SE16-04 by **Heath Buchanan** on September 19, 2016 requesting a special exception be granted as provided for in Section 4.5.5. Of the Land Development Regulations, the Lafayette County Commissioners serving as the Board of Adjustments, Lafayette County, Florida, grants a special exception to permit the location of **Poultry houses** in accordance with a site plan dated September 19, 2016 submitted as part of a petition dated September 19, 2016 and located on property described as follows:

**A parcel of land in Section 18, Township 04 South, Range 11 East, Lafayette County, Florida, being more particularly described as follows:**

**LEG 0035.51 ACRES SE1/4 OF SE1/4 LESS 5 ACRES ASDESC. IN OR BK 54 P 472; OR BK 157 P. 282-284. LESS ROAD RIGHT OF WAY.**

**The above described parcel contains 35.51 ACRES Parcel: 18-04-11-0000-0000-00802**

Section 2. A site plan filed with a petition filed September 19, 2016 is herewith made a part of this resolution by reference, shall govern the development and use of the above-described property. Any deviation from the petition shall be deemed a violation of the Land Development Regulations.

Section 3. The use of land approved by this special exception shall be in place, or a valid permit shall be in force for the construction of such land use within twelve (24) months of the effective date of this resolution. If such land use is not in place or if a valid permit for the construction of such land use is not in effect, within twelve (24) months of the effective date of this resolution, this resolution granting with appropriate conditions and safeguards such special exception is thereby revoked and of no force and effect.


Section 4. All resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.


Section 5. This resolution shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED in regular session with a quorum present and voting, by the Board of County Commissioners, serving as the Board of Adjustment, this 10<sup>th</sup> day  
Of October 2016

BOARD OF COUNTY COMMISSIONERS OF  
LAFAYETTE COUNTY, FLORIDA  
SERVING AS THE  
BOARD OF ADJUSTMENT OF  
LAFAYETTE COUNTY, FLORIDA

Attest:

  
Ricky Lyons, County Clerk



  
Curtis O. Hamlin, Chairman

RD 2016  
ORDINANCE NO. 16-04

AN ORDINANCE OF LAFAYETTE COUNTY, FLORIDA, AMENDING THE LAFAYETTE COUNTY LAND DEVELOPMENT REGULATIONS, AS AMENDED, PURSUANT TO AN APPLICATION, LDR 16-02, BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR AMENDING SECTION 2.1 ENTITLED DEFINITIONS TO DELETE CERTAIN DEFINITIONS; PROVIDING FOR DELETING AND REPLACING IN ITS ENTIRETY ARTICLE EIGHT ENTITLED FLOOD DAMAGE PREVENTION REGULATIONS TO COMPLY WITH FEDERAL EMERGENCY MANAGEMENT AGENCY REGULATIONS, INCLUDING ADOPTION OF THE FLOOD INSURANCE RATE MAPS; PROVIDING FOR DELETING IN ITS ENTIRETY SECTION 12.1.2 ENTITLED FLOOD DAMAGE PREVENTION REGULATIONS APPEALS PROVISIONS AND SECTION 12.3.3 ENTITLED VARIANCES TO FLOOD DAMAGE PREVENTION REGULATIONS TO COMPLY WITH FEDERAL EMERGENCY MANAGEMENT AGENCY REGULATIONS; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Legislature of the State of Florida has, in Section 125, Florida Statutes, as amended, conferred upon counties the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry;

WHEREAS, Section 125.01, Florida Statutes, as amended, empowers the Board of County Commissioners of Lafayette County, Florida, hereinafter referred to as the Board of County Commissioners, to prepare, adopt and enforce land development regulations;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, as amended, requires the Board of County Commissioners to prepare and adopt regulations concerning the use of land and water to implement the Comprehensive Plan;

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the unincorporated areas of Lafayette County, Florida, hereinafter referred to as the County, and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare;

WHEREAS, the County, was accepted for participation in the National Flood Insurance Program on January 16, 1987 and the Board of County Commissioners desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation;

WHEREAS, the Board of County Commissioners has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the Florida Building Code;

WHEREAS, an application for an amendment, as described below, has been filed by the Board of County Commissioners;

WHEREAS, the Planning and Zoning Board of Lafayette County, Florida, hereinafter referred to as the Planning and Zoning Board, has been designated as the Local Planning Agency of Lafayette County, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and the Land Development Regulations, the Planning and Zoning Board, serving also as the Local Planning Agency, held the required a public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Planning and Zoning Board, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing



concerning said application for an amendment, as described below, and recommended to the Board of County Commissioners approval of said application for amendment, as described below;

WHEREAS, pursuant to Section 125.01, Florida Statutes, as amended, the Board of County Commissioners, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Board of County Commissioners reviewed and considered all comments received during said public hearing, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency, concerning said application for an amendment;

WHEREAS, the Board of County Commissioners has determined and found that a need and justification exists for the approval of said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners has determined and found that approval of said application for an amendment, as described below, is consistent with the purposes and objectives of the comprehensive planning program and the Comprehensive Plan;

WHEREAS, the Board of County Commissioners has determined and found that approval of said application for an amendment, as described below, will further the purposes of the Land Development Regulations and other ordinances, regulations, and actions designed to implement the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LAFAYETTE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

Section 2. Pursuant to an application, LDR 16-02, by the Board of County Commissioners to amend the text of the Land Development Regulations, Section 2.1 entitled, Definitions is hereby amended by deleting the definitions shown below:

**Area of Shallow Flooding.** Area of shallow flooding means a designated AO Zone on a Flood Insurance Rate Map (FEDERAL INSURANCE RATE MAP) with base flood depths from one (1) 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.** Area of special flood hazard means the area so designated on a Flood Hazard Boundary Map or the Flood Rate Insurance Map.

**Base Flood.** Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

**Basement.** Basement means that portion of a building between the floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from the grade to the floor below is less than the vertical distance from the grade to the ceiling provided, however, that the distance from the grade to the ceiling shall be at least four (4) feet six (6) inches. (see Cellar).

**Breakaway Wall.** Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**Cellar.** Cellar means that portion of a building, the ceiling of which is entirely below grade or less than four (4) feet six (6) inches above grade (see Basement).

**Elevated Building.** Elevated building means a non-cellar building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

**Flood.** Flood means the unusual and rapid accumulation or runoff of surface water of any source.

**Flood Elevation of Record.** Flood elevation of record means the maximum flood elevation for which historical records exist.

**Flood Insurance Rate Map (FEDERAL INSURANCE RATE MAP).** The Flood Insurance Rate Map (FEDERAL INSURANCE RATE MAP) is the official map of the County, issued by the Federal Emergency Management Agency where both the areas of special flood hazard and the risk premium zones applicable to the County have been delineated.

**Flood Insurance Study.** Flood Insurance Study means 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 for the County.

**Floodplains.** Floodplains means areas, adjacent to a watercourse, inundated during a 100-year flood event and identified by the Federal Emergency Management Agency on the Flood Insurance Rate Maps.

**Floodway.** 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 (1) foot.

**Functionally Dependent Facility.** Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such a docking facility necessary for the loading or unloading of cargo or passengers, boat building, boat repair, or fishery processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

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

**National Geodetic Vertical Datum (NGVD).** National geodetic vertical datum means a vertical control as corrected in 1929, used as a reference for establishing varying elevations within a floodplain.

**Recreational Vehicle.** Recreational vehicle means a vehicle which is (a) built on a single chassis; (b) four hundred fifty (450) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

**Watercourse.** Watercourse means any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed, bank, or other discernible boundary.

Section 3. Pursuant to an application, LDR 16-02, by the Board of County Commissioners to amend the text of the Land Development Regulations, Article 8 entitled, Flood Damage Prevention Regulations is hereby deleted in its entirety and replaced to read, as follows:

## ARTICLE EIGHT FLOOD DAMAGE PREVENTION REGULATIONS

### SECTION 8.1 ADMINISTRATION, GENERAL

8.1.1 Title. These regulations shall be known as the Flood Damage Prevention Regulations of the County, hereinafter referred to as "this Article."

- 8.1.2 Scope. The provisions of this Article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- 8.1.3 Intent. The purposes of this Article and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
  2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
  3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
  4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
  5. Minimize damage to public and private facilities and utilities;
  6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
  7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
  8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- 8.1.4 Coordination with the *Florida Building Code*. This Article is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, American Society of Civil Engineers 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.
- 8.1.5 Warning. The degree of flood protection required by this Article and the *Florida Building Code*, as amended by the Board of County Commissioners, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring the Board of County Commissioners to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this Article.

- 8.1.6 Disclaimer of Liability. This Article shall not create liability on the part of the County Commissioners of the County or by any officer or employee thereof for any flood damage that results from reliance on this Article or any administrative decision lawfully made there under.

## SECTION 8.2 APPLICABILITY

- 8.2.1 This Article shall apply to all applications for development, including building permits applications and subdivision proposals, submitted on or after April 15, 2014, per Section 5 of Ordinance No. 2014-1 adopted on April 14, 2014.
- 8.2.2 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- 8.2.3 Areas to Which this Article Applies. This Article shall apply to all flood hazard areas within the County, as established in Section 8.2.3 of this Article.
- 8.2.4 Basis for Establishing Flood Hazard Areas. The Flood Insurance Study for the County and incorporated areas dated September 29, 2006, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps, and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this Article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Building Department at 120 West Main Street, Mayo, Florida.
- 8.2.5 Submission of Additional Data to Establish Flood Hazard Areas. To establish flood hazard areas and base flood elevations, pursuant to Section 8.5 of this Article the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a Federal Insurance Rate Map, the area shall be considered as flood hazard area and subject to the requirements of this Article and, as applicable, the requirements of the *Florida Building Code*.
  2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- 8.2.6 Other Laws. The provisions of this Article shall not be deemed to nullify any provisions of local, state or federal law.
- 8.2.7 Abrogation and Greater Restrictions. This Article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including the *Florida Building Code*. In the event of a conflict between this Article and any other ordinance, the more restrictive shall govern. This Article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this Article.
- 8.2.8 Interpretation. In the interpretation and application of this Article, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and
  3. Deemed neither to limit nor repeal any other powers granted under state statutes.

## SECTION 8.3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

- 8.3.1 Designation. The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- 8.3.2 General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this Article. The Floodplain Administrator shall have the authority to render interpretations of this Article consistent with the intent and purpose of this Article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Article without the granting of a variance pursuant to Section 8.7 of this Article.
- 8.3.3 Applications and Permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
  2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this Article;
  3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
  4. Provide available flood elevation and flood hazard information;
  5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
  6. Review applications to determine whether proposed development will be reasonably safe from flooding;
  7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this Article is demonstrated, or disapprove the same in the event of noncompliance; and
  8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this Article.
- 8.3.4 Substantial Improvement and Substantial Damage Determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
  2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of “substantial damage”; and
  4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this Article is required.
- 8.3.5 Modifications of the Strict Application of the Requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 8.7 of this Article.
- 8.3.6 Notices and Orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this Article.
- 8.3.7 Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 8.6 of this Article for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- 8.3.8 Other Duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:
1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 8.3.4 of this Article;
  2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency;
  3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to Federal Emergency Management Agency the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;
  4. Review required design certifications and documentation of elevations specified by this Article and the *Florida Building Code* and this Article to determine that such certifications and documentations are complete; and
  5. Notify the Federal Emergency Management Agency when the corporate boundaries of the County are modified.

- 8.3.9 Floodplain Management Records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this Article and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this Article; notifications to adjacent communities, Federal Emergency Management Agency, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this Article and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at Local Building Department located at 120 West Main Street, Mayo, Florida 32066 during regular business hours.

#### SECTION 8.4 PERMITS

- 8.4.1 Permits Required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this Article, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this Article and all other applicable codes and regulations has been satisfied.
- 8.4.2 Floodplain Development Permits or Approvals. Floodplain development permits or approvals shall be issued pursuant to this Article for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- 8.4.3 Buildings, Structures and Facilities Exempt From the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 Code of Federal Regulations Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this Article:
1. Railroads and ancillary facilities associated with the railroad.
  2. Nonresidential farm buildings on farms, as provided in Section 604.50, Florida Statutes, as amended.
  3. Temporary buildings or sheds used exclusively for construction purposes.
  4. Mobile or modular structures used as temporary offices.
  5. Those structures or facilities of electric utilities, as defined in Section 366.02, Florida Statutes, as amended, which are directly involved in the generation, transmission, or distribution of electricity.

6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding two hundred and fifty (250) square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Florida Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in Section 553.73(10)(k), Florida Statutes, as amended, are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

- 8.4.4 Application for a Permit or Approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
1. Identify and describe the development to be covered by the permit or approval.
  2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
  3. Indicate the use and occupancy for which the proposed development is intended.
  4. Be accompanied by a site plan or construction documents as specified in Section 8.5 of this Article.
  5. State the valuation of the proposed work.
  6. Be signed by the applicant or the applicant's authorized agent.
  7. Give such other data and information as required by the Floodplain Administrator.
- 8.4.5 Validity of Permit or Approval. The issuance of a floodplain development permit or approval pursuant to this Article shall not be construed to be a permit for, or approval of, any violation of this Article, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- 8.4.6 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred and eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred and eighty (180) days after the work commences. Extensions for periods of not more than one hundred and eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.
- 8.4.7 Suspension or Revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this Article or any other ordinance, regulation or requirement of this community.
- 8.4.8 Other Permits Required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:



1. The Suwannee River Water Management District; Section 373.036, Florida Statutes, as amended.
2. Florida Department of Health for onsite sewage treatment and disposal systems; Section 381.0065, Florida Statutes, as amended, and Chapter 64E-6, Florida Administration Code.
3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; Section 161.055, Florida Statutes, as amended.
4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
5. Federal permits and approvals.

#### **SECTION 8.5 SITE PLANS AND CONSTRUCTION DOCUMENTS**

**8.5.1** Information for Development in Flood Hazard Areas. The site plan or construction documents for any development subject to the requirements of this Article shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the Flood Insurance Rate Map or in the Flood Insurance Study, they shall be established in accordance with Section 8.5.2.3 or 8.5.2.4 of this Article.
3. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the Flood Insurance Rate Map or in the Flood Insurance Study, such elevations shall be established in accordance with Section 8.5.2.2 of this Article.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this Article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this Article.

**8.5.2** Information in Flood Hazard Areas Without Base Flood Elevations (approximate Zone A). Where flood hazard areas are delineated on the Flood Insurance Rate Map and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - b. Specify that the base flood elevation is three (3) feet above the highest adjacent graded road at the location of the development, or one (1) foot above the crown of the adjacent paved road, whichever is higher, provided there is no evidence indicating flood depths have been or may be greater than the specified elevation.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from Federal Emergency Management Agency, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by Federal Emergency Management Agency, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

8.5.3 Additional Analyses and Certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to Federal Emergency Management Agency as specified in Section 8.5.4 of this Article and shall submit the Conditional Letter of Map Revision, if issued by Federal Emergency Management Agency, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the Flood Insurance Rate Map and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to Federal Emergency Management Agency as specified in Section 8.5.4 of this Article.

- 8.5.4 Submission of Additional Data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from Federal Emergency Management Agency to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on Federal Insurance Rate Maps, and to submit such data to Federal Emergency Management Agency for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by Federal Emergency Management Agency. Submittal requirements and processing fees shall be the responsibility of the applicant.

## SECTION 8.6 INSPECTIONS

- 8.6.1 General. Development for which a floodplain development permit or approval is required shall be subject to inspection.
- 8.6.2 Development Other Than Buildings and Structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this Article and the conditions of issued floodplain development permits or approvals.
- 8.6.3 Buildings, Structures and Facilities Exempt From the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this Article and the conditions of issued floodplain development permits or approvals.
- 8.6.4 Buildings, Structures and Facilities Exempt From the *Florida Building Code*, Lowest Floor Inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:
1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
  2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 8.5.2.3(b) of this Article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- 8.6.5 Buildings, Structures and Facilities Exempt From the *Florida Building Code*, Final Inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 8.6.4 of this Article.
- 8.6.6 Manufactured Homes. The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this Article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

## SECTION 8.7 VARIANCES AND APPEALS

- 8.7.1 General. The Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of this Article. Pursuant to Section 553.73(5), Florida Statutes, as amended, the Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.

- 8.7.2 Appeals. The Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this Article. Any person aggrieved by the decision of Board of County Commissioners may appeal such decision to the Circuit Court, as provided by Florida Statutes, as amended.
- 8.7.3 Limitations on Authority to Grant Variances. The Board of County Commissioners shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 8.7.7 of this Article, the conditions of issuance set forth in Section 8.7.8 of this Article, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of County Commissioners has the right to attach such conditions as it deems necessary to further the purposes and objectives of this Article.
- 8.7.4 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 8.5.3 of this Article.
- 8.7.5 Historic Buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code*, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.
- 8.7.6 Functionally Dependent Uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this Article, provided the variance meets the requirements of Section 8.7.4, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- 8.7.7 Considerations for Issuance of Variances. In reviewing requests for variances, the Board of County Commissioners shall consider all technical evaluations, all relevant factors, and all other applicable provisions of the *Florida Building Code*, this Article, and the following:
1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
  2. The danger to life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
  4. The importance of the services provided by the proposed development to the community;
  5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
  6. The compatibility of the proposed development with existing and anticipated development;
  7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

8.7.8 Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this Article or the required elevation standards;
2. Determination by the Board of County Commissioners that:
  - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as twenty-five dollars (\$25) for one hundred dollars (\$100) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

## SECTION 8.8 VIOLATIONS

- 8.8.1 Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this Article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this Article, shall be deemed a violation of this Article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this Article or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.
- 8.8.2 Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this Article and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

- 8.8.3 Unlawful Continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## SECTION 8.9 DEFINITIONS

- 8.9.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this Article, have the meanings shown in this section.
- 8.9.2 Terms Defined in the *Florida Building Code*. Where terms are not defined in this Article and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.
- 8.9.3 Terms Not Defined. Where terms are not defined in this Article or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.
- 8.9.4 Definitions:

**Alteration of a Watercourse.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision of this Article or a request for a variance.

**ASCE 24.** A standard titled Flood Resistant Design and Construction that is referenced by the *Florida Building Code*. American Society of Civil Engineers 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

**Base Flood.** A flood having a one (1) percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "one (1) percent-annual chance flood."

**Base Flood Elevation.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum, North American Vertical Datum or other datum specified on the Flood Insurance Rate Map.

**Basement.** The portion of a building having its floor subgrade (below ground level) on all sides.

**Design Flood.** The flood associated with the greater of the following two areas:

1. Area with a floodplain subject to a one (1) percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Design Flood Elevation.** The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

**Encroachment.** The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**Existing Building and Existing Structure.** Any buildings and structures for which the “start of construction” commenced before January 16, 1987.

**Existing Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before January 16, 1987.

**Expansion to an Existing Manufactured Home Park or Subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Emergency Management Agency.** The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land from:

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

**Flood Damage-Resistant Materials.** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

**Flood Hazard Area.** The greater of the following two areas:

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

**Flood Insurance Rate Map.** The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study.** The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

**Floodplain Administrator.** The office or position designated and charged with the administration and enforcement of this Article (may be referred to as the Floodplain Manager).

**Floodplain Development Permit or Approval.** An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this Article.

**Floodway.** The channel of a river or other riverine 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 (1) foot.

**Floodway Encroachment Analysis.** An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

**Florida Building Code.** The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

**Functionally Dependent Use.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

**Highest Adjacent Grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

**Historic Structure.** Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code*, Existing Building, Chapter 11 Historic Buildings.

**Letter of Map Change.** An official determination issued by Federal Emergency Management Agency that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. **Letter of Map Amendment:** An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A Letter of Map Amendment amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. **Letter of Map Revision:** A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. **Letter of Map Revision Based on Fill:** A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. **Conditional Letter of Map Revision:** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A Conditional Letter of Map Revision does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by Federal Emergency Management Agency to revise the effective Flood Insurance Rate Map.



**Light-Duty Truck.** As defined in 40 Code of Federal Regulations 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
3. Available with special features enabling off-street or off-highway operation and use.

**Lowest Floor.** The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or American Society of Civil Engineers 24.

**Manufactured Home.** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer."

**Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Market Value.** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this Article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

**New Construction.** For the purposes of administration of this Article and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after January 16, 1987 and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 16, 1987.

**Park Trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

**Recreational Vehicle.** A vehicle, including a park trailer, 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 light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Special Flood Hazard Area.** An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are shown on Federal Insurance Rate Maps as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

**Start of Construction.** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. 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.

**Substantial Damage.** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damage occurred.

**Substantial Improvement.** Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

**Variance.** A grant of relief from the requirements of this Article, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this Article or the *Florida Building Code*.

**Watercourse.** A river, creek, stream, channel or other topographic feature in, on, though, or over which water flows at least periodically.

## SECTION 8.10 FLOOD RESISTANT DEVELOPMENT: BUILDINGS AND STRUCTURES

8.10.1 Design and Construction of Buildings, Structures And Facilities Exempt from the *Florida Building Code*. Pursuant to Section 8.4.3 of this Article, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of American Society of Civil Engineers 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 8.16 of this Article.

8.10.1.1 Setbacks from perennial rivers, streams and creeks. In any area located outside a designated floodplain but where a perennial river stream or creek is located, no building or fill may be located within a distance of the stream bank equal to seventy-five (75) feet if the river, stream or creek has been designated as a regionally significant area in the County's Comprehensive Plan and thirty-five (35) feet for all other perennial rivers, streams or creeks. Although, this does not preclude these setback areas from being used for agriculture, silviculture and resource-based recreational activities subject to best management practices.

## SECTION 8.11 SUBDIVISIONS

8.11.1 Minimum Requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

8.11.2 Subdivision Plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
2. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the Federal Insurance Rate Map, the base flood elevations determined in accordance with Section 8.5.2.2 of this Article; and
3. Compliance with the site improvement and utilities requirements of Section 8.12 of this Article.
4. All agreements for deed, purchase agreements, leases or other contracts for sale or exchange of lots within an area of special flood hazard and all instruments conveying title to lots within an area of special flood hazard must prominently publish the following flood hazard warning in the document:

## FLOOD HAZARD WARNING

This property may be subject to flooding. You should contact the Land Development Regulation Administrator and obtain the latest information about flood elevations and restrictions before making plans for the use of this property.

## SECTION 8.12 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

8.12.1 Minimum Requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

8.12.2 Sanitary Sewage Facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, Florida Administrative Code and American Society of Civil Engineers 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

8.12.3 Water Supply Facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, Florida Administrative Code and American Society of Civil Engineers 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

8.12.4 Limitations on Sites in Regulatory Floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or re-grading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 8.5.3(1) of this Article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

8.12.5 Limitations on Placement of Fill. Subject to the limitations of this Article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

## SECTION 8.13 MANUFACTURED HOMES

8.13.1 General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Section 320.8249 Florida Statutes, as amended, and shall comply with the requirements of Chapter 15C-1, Florida Administrative Code and the requirements of this Article.

8.13.1.1 Limitations on installation in floodways. New installations of manufactured homes shall not be permitted in floodways.

8.13.2 Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code* Residential Section R322.2 and this Article.

- 8.13.3 Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- 8.13.4 Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 8.13.5 or 8.13.6 of this Article, as applicable.
- 8.13.5 General Elevation Requirement. Unless subject to the requirements of Section 8.13.6 of this Article, all manufactured homes that are placed, replaced, or substantially improved on sites located:
1. Outside of a manufactured home park or subdivision;
  2. In a new manufactured home park or subdivision;
  3. In an expansion to an existing manufactured home park or subdivision; or
  4. In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code*, Residential Section R322.2 (Zone A).
- 8.13.6 Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions. Manufactured homes that are not subject to Section 8.13.5 of this Article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:
1. Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code*, Residential Section R322.2 (Zone A); or
  2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.
- 8.13.7 Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code*, Residential Section R322 for such enclosed areas.
- 8.13.8 Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code*, Residential Section R322.

#### SECTION 8.14 RECREATIONAL VEHICLES AND PARK TRAILERS

- 8.14.1 Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
  2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
- 8.14.2 Permanent Placement. Recreational vehicles and park trailers that do not meet the limitations in Section 8.14.1 of this Article for temporary placement shall meet the requirements of Section 8.13 of this Article for manufactured homes.

## SECTION 8.15 TANKS

- 8.15.1 **Underground Tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- 8.15.2 **Above-Ground Tanks, Not Elevated.** Above-ground tanks that do not meet the elevation requirements of Section 8.15.3 of this Article shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- 8.15.3 **Above-Ground Tanks, Elevated.** Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- 8.15.4 **Tank Inlets and Vents.** Tank inlets, fill openings, outlets and vents shall be:
1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
  2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

## SECTION 8.16 OTHER DEVELOPMENT

- 8.16.1 **General Requirements for Other Development.** All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Article or the *Florida Building Code*, shall:
1. Be located and constructed to minimize flood damage;
  2. Meet the limitations of Section 8.12.4 of this Article if located in a regulated floodway;
  3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
  4. Be constructed of flood damage-resistant materials; and
  5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- 8.16.2 **Fences in Regulated Floodways.** Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 8.12.4 of this Article.
- 8.16.3 **Retaining Walls, Sidewalks and Driveways in Regulated Floodways.** Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 8.12.4 of this Article.

8.16.4 Roads and Watercourse Crossings in Regulated Floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 8.12.4 of this Article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 8.5.3.3 of this Article.

Section 4. Pursuant to an application, LDR 16-02, by the Board of County Commissioners to amend the text of the Land Development Regulations, Section 12.1.2 entitled Flood Damage Prevention Regulations Appeals Provisions is hereby deleted in its entirety.

Section 5. Pursuant to an application, LDR 16-02, by the Board of County Commissioners to amend the text of the Land Development Regulations, Section 12.3.3 entitled Variances to Flood Damage Prevention Regulations is hereby deleted in its entirety.

Section 6. Applicability. For the purposes of jurisdictional applicability, this ordinance shall apply in the unincorporated areas of the County. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after April 15, 2014.

Section 7. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 8. Conflict. All ordinances or portions of ordinances in conflict herewith are hereby repealed to the extent of such conflict. This ordinance specifically repeals and replaces the following ordinances and regulations: Article Eight of the Land Development Regulations entitled Flood Damage Prevention Regulations.

Section 9. Effective Date. Pursuant to Section 125.66, Florida Statutes, as amended, a certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This ordinance shall become effective upon filing of the ordinance with the Department of State.

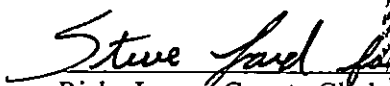
Section 10. Authority. This ordinance is adopted pursuant to the authority granted by Section 125.01, Florida Statutes, as amended, and Sections 163.3161 through 163.3248, Florida Statutes, as amended.


PASSED AND DULY ADOPTED, in regular session with a quorum present and voting, by the

Board of County Commissioners this 10<sup>th</sup> day of October 2016.

Attest:

BOARD OF COUNTY COMMISSIONERS  
OF LAFAYETTE COUNTY, FLORIDA

  
Ricky Lyons, County Clerk



  
Curtis O. Hamlin, Chair



**FLORIDA DEPARTMENT *of* STATE**

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

October 11, 2016

Honorable Ricky Lyons  
Clerk of Court  
Lafayette County  
Post Office Box 88  
Mayo, Florida 32066

Attention: Hannah Owens, Deputy Clerk

Dear Mr. Lyons:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 16-04, which was filed in this office on October 11, 2016.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb



Bank Code: A General Fund

Check Number	Check Date	Vendor Number	Name	Check Amount	Check Type
055969	10/10/2016	AASW	Aucilla Area Solid Waste Admin	11,832.06	Auto
055970	10/10/2016	BR	Blue Rok, Inc.	4,981.16	Auto
055971	10/10/2016	CMCP	Clarke Mosquito Control Program	10,885.20	Auto
055972	10/10/2016	CPE	Certified Plumbing & Electric	368.54	Auto
055973	10/10/2016	CSL	Cotton State Life	61.08	Auto
055974	10/10/2016	CTY	Cindy Tysall	34.42	Auto
055975	10/10/2016	DA	Darabi & Associates	2,121.78	Auto
055976	10/10/2016	DBM	Dr. Bogdan Maliszewski	700.00	Auto
055977	10/10/2016	DISH	Dish Network	85.61	Auto
055978	10/10/2016	DUA	Duval Asphalt	1,434.05	Auto
055979	10/10/2016	FCPA	FCPA	600.00	Auto
055980	10/10/2016	HASI	Hamlin Auto Supply, Inc	491.37	Auto
055981	10/10/2016	JFS	Jiffy Food Stores	362.30	Auto
055982	10/10/2016	JJG	J & J Gas	110.88	Auto
055983	10/10/2016	KWB	Ketchum, Wood & Burgert	1,991.00	Auto
055984	10/10/2016	L4H	Lafayette 4-H	3,242.00	Auto
055985	10/10/2016	MAP	Mayo Auto Parts	2,668.61	Auto
055986	10/10/2016	MF	Mayo Fertilizer	68.00	Auto
055987	10/10/2016	MH	Mayo Hardware	2,704.53	Auto
055988	10/10/2016	MLO	McMillan Law Office, P.A.	1,884.00	Auto
055989	10/10/2016	MOS	McCrimon's Office Supply	52.03	Auto
055990	10/10/2016	MT	Mayo Thriftway	85.21	Auto
055991	10/10/2016	MTG	Matheson Tri-Gas Inc.	257.39	Auto
055992	10/10/2016	NTAS	Neece Tire & Auto Service Inc	404.30	Auto
055993	10/10/2016	NTC	Nextran Truck Center - Lake Ci	112.84	Auto
055994	10/10/2016	OSS	Outback Services & Supply, LLC	13,116.32	Auto
055995	10/10/2016	QC	Quill Corporation	557.51	Auto
055996	10/10/2016	RP	Ring Power	341.03	Auto
055997	10/10/2016	SGMG	South Georgia Media Group	2,330.91	Auto
055998	10/10/2016	SVE	Suwannee Valley Electric	28.47	Auto
055999	10/10/2016	TCI	Tri-County Irrigation, Inc.	96.08	Auto
056000	10/10/2016	TOM	Town of Mayo	703.37	Auto
056001	10/10/2016	TPTI	Triple P Trucking, Inc	400.00	Auto
056002	10/10/2016	W	Windstream	485.82	Auto
056003	10/10/2016	WRW	W R Williams Distributors	10,453.57	Auto
056004	10/10/2016	AIG	AIG/American General	372.79	Auto
056005	10/10/2016	ASG	Affordable Seamless Gutters	315.00	Auto
056006	10/10/2016	CPE	Certified Plumbing & Electric	19.11	Auto
056007	10/10/2016	FAC	Florida Association of Counties	2,061.00	Auto
056008	10/10/2016	FACT	FL Association of Counties Tru	56,852.00	Auto
056009	10/10/2016	GG	Hon. Greg Godwin	4,079.50	Auto
056010	10/10/2016	LCCC	Lafayette County Clerk of Cour	15,058.91	Auto
056011	10/10/2016	LCPA	Lafayette County Property App.	23,841.75	Auto
056012	10/10/2016	LCSC	Lafayette County Sheriff	75,000.00	Auto
056013	10/10/2016	LCSE	Lafayette County Sup of Electi	35,752.33	Auto
056014	10/10/2016	LCSE9	Lafayette County Sheriff	21,500.00	Auto
056015	10/10/2016	LCSLE	Lafayette County Sheriff	85,000.00	Auto
056016	10/10/2016	LHSSC	LHS Student Council	1,000.00	Auto
056017	10/10/2016	LN	Liberty National Life Insuranc	624.40	Auto
056018	10/10/2016	MP	Mayo Postmaster	282.00	Auto
056019	10/10/2016	PD	Public Defender Occupancy Acco	364.00	Auto
056020	10/10/2016	PDIT	Public Defender I.T.	290.00	Auto
056021	10/10/2016	SA	Jeff Siegmeister	1,825.17	Auto
056022	10/10/2016	SAIT	Jeff Siegmeister	740.15	Auto

Bank Code: A General Fund

Check Number	Check Date	Vendor Number	Name	Check Amount	Check Type
056023	10/10/2016	TCI	Tri-County Irrigation, Inc.	96.08	Auto
056024	10/10/2016	VCS	Vista Clinical Services	35.00	Auto
Bank A Total:				401,160.63	
Report Total:				401,160.63	

THESE INVOICES HAVE BEEN EXAMINED AND APPROVED FOR PAYMENT BY THE  
LAFAYETTE COUNTY BOARD OF COMMISSIONERS ON THIS 10TH DAY OF OCTOBER, 2016.

*Tom*  
*Thomas G. Rogers*  
*Quentin O. Hargis*  
*Ernest H. Jones*

## BOARD OF COUNTY COMMISSIONERS, LAFAYETTE COUNTY, FL

LIST OF WARRANTS DRAWN ON THE EMERGENCY 911 FUND.

FROM THE FIRST FEDERAL BANK, ON OCTOBER 10, 2016.

TO WHOM ISSUED	PURPOSE OF EXPENDITURE	ACCOUNT NUMBER	WARRANT NO.	AMOUNT
STATE OF FLORIDA	COMMUNICATIONS	526-410		\$ 551.62
WINDSTREAM	COMMUNICATIONS	526-410		\$ 407.70
TOTAL				\$ 959.32

THESE INVOICES HAVE BEEN EXAMINED AND APPROVED FOR PAYMENT BY THE LAFAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS ON THIS 10TH DAY OF OCTOBER, 2016.

