

1
2
3
4
5 **ORDINANCE**
6 **NUMBER 2023-8**
7

8 **AN ORDINANCE OF LEVY COUNTY, FLORIDA, AMENDING THE LAND**
9 **DEVELOPMENT CODE RELATING TO FLOOD DAMAGE PREVENTION**
10 **– CUMULATIVE SUBSTANTIAL IMPROVEMENTS; BY AMENDING**
11 **SECTION 50-131 TO ADOPT LOCAL TECHNICAL AMENDMENTS TO**
12 **THE FLORIDA BUILDING CODE; BY AMENDING SECTION 50-228**
13 **DEFINITIONS; AND BY AMENDING SECTION 50-246 DUTIES AND**
14 **POWERS OF THE FLOODPLAIN ADMINISTRATOR; PROVIDING A**
15 **SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE;**
16 **PROVIDING FOR INCLUSION IN THE CODE; PROVIDING DIRECTIONS**
17 **TO THE COUNTY COORDINATOR; AND PROVIDING DIRECTIONS TO**
18 **THE CLERK AND AN EFFECTIVE DATE.**
19

20
21 **WHEREAS**, pursuant to the authority granted under Article VIII, Section 1 of the
22 Florida Constitution, and Sections 125.01 and 125.66, Fla. Stat., Levy County, through
23 its Board of County Commissioners (the “Board”), has adopted floodplain management
24 regulations designed to provide flood damage prevention and protection, and to protect
25 and promote the public health, safety and welfare; and
26

27 **WHEREAS**, as part of its floodplain management program, Levy County
28 participates in the National Flood Insurance Program (the “NFIP”) and in the NFIP’s
29 Community Rating System (“CRS”), a voluntary incentive program that recognizes and
30 encourages community floodplain management activities that exceed the minimum
31 program requirements; and
32

33 **WHEREAS**, the CRS “Class” that a community maintains allows its property
34 owners to be eligible for NFIP flood insurance premium discounts, with CRS Class 1
35 communities being eligible for a 45% insurance premium reduction and CRS Class 10
36 communities being eligible for a 0% insurance premium reduction;
37

38 **WHEREAS**, Levy County currently maintains a CRS Class 9, allowing property
39 owners to be eligible for a 5% NFIP flood insurance premium discount;
40

41 **WHEREAS**, Levy County has determined that it is in the public interest to further
42 improve its floodplain management regulations (exceeding the minimums) by addressing
43 “cumulative” substantial improvements – which means requiring the accumulation of
44 costs of improvements and repairs of buildings, based on issued building permits, over a

Note: Additions shown underlined, deletions shown ~~stricken~~.

1 5-year period, as this will, over time, bring more nonconforming buildings into compliance
2 and will reduce the likelihood that property owners will deliberately phase improvements
3 sequentially for the specific purpose of avoiding the basic 50% substantial improvement
4 rule;

5
6 **WHEREAS**, as required by Part II of Chapter 163, Florida Statutes and Section
7 50-55 of the Land Development Code, this proposed ordinance has been reviewed by the
8 County Planning Commission for consistency with the Comprehensive Plan and the
9 Planning Commission recommendation has been forwarded to the Board; and

10
11 **WHEREAS**, at least ten (10) days' notice has been given once by publication in a
12 newspaper of general circulation notifying the public of this proposed ordinance and of a
13 public hearing in the Levy County Government Center in Bronson, Florida.

14
15 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners
16 of Levy County, Florida, that:

17
18 **SECTION 1.** Section 50-131 of the Levy County Code is amended as follows:

19
20 **Article IV. Building and Other Technical Codes and Standards**

21 **Sec. 50-131. - Adoption and administrative and technical amendments.**

22 (a) The provisions of the NFPA 70 National Electric Code ~~(2008)~~, as adopted by the
23 National Fire Prevention Association, and as the same may be amended or updated from
24 time to time, are hereby adopted by reference as if set out at length herein. It shall be
25 unlawful to violate any sections of such NFPA National Electric Code.

26
27 (b) The provisions of the NFPA 101 Life Safety Code ~~(2011)~~, as adopted by the National
28 Fire Prevention Association, and as the same may be amended or updated from time to
29 time, are hereby adopted by reference as if set out at length herein. It shall be unlawful
30 to violate any sections of such NFPA Life Safety Code.

31
32 (c) Pursuant to F.S. ch. 553, the provisions of the Florida Building Code, as adopted by
33 the Florida Building Commission, and as may be amended from time to time by such
34 Florida Building Commission, are adopted herein by reference as if set out at length
35 herein, and shall apply to the construction, erection, alteration, modification, repair, use
36 and occupancy, location, maintenance, removal and demolition of every public and
37 private building, structure or facility or floating residential structure, or any appurtenances
38 connected or attached to such buildings, structures or facilities in Levy County other than
39 those specifically exempted by F.S. § 553.73, or by the Florida Building Code. Such
40 Florida Building Code shall be enforced in the county as provided in F.S. § 553.80, as the
41 same may be amended.

42
43 (d) The following are local technical amendments to the Florida Building Code relating

Note: Additions shown underlined, deletions shown ~~stricken~~.

1 to flood resistance adopted pursuant to Section 553.73(5), Florida Statutes, in order to
2 implement the National Flood Insurance Program or incentives.

3
4 (1) Section 202 “Definitions” of the Florida Building Code, Building, is amended
5 by replacing the definition of “Substantial Improvement” with the definition in Sec.
6 50-228 of the Levy County Code.

7
8 (2) Section 202 “Definitions” of the Florida Building Code, Existing Building, is
9 amended by replacing the definition of “Substantial Improvement” with the
10 definition in Sec. 50-228 of the Levy County Code.

11
12
13 **SECTION 2.** A portion of Section 50-228 of the Levy County Code is amended as
14 set forth below. Except as amended herein, the remainder of Section 50-228 remains in
15 full force and effect.

16
17 **Article VI. Flood Damage Prevention**

18 **Sec. 50-228. - Definitions.**

19 *Substantial improvement* means any combination of repair, reconstruction,
20 rehabilitation, alteration, addition or other improvement of a building or structure
21 taking place during a 5-year period, the cumulative cost of which equals or
22 exceeds 50 percent of the market value of the building or structure before the
23 ~~start of construction of the improvement or repair~~ improvement or repair is
24 started. The period of accumulation begins when the first improvement or repair
25 of each building or structure is permitted on or after August 1, 2023. This term
26 includes structures that have incurred substantial damage, regardless of the
27 actual repair work performed. If the structure has sustained substantial damage,
28 any repairs are considered substantial improvement regardless of the actual
29 repair work performed. The term does not, however, include either:

- 30
31 (1) Any project for improvement of a building or structure to correct existing
32 health, sanitary or safety code violations identified by the building official
33 and that ~~are~~ is the minimum necessary to assure safe living conditions; or
34 (2) Any alteration of a historic structure, provided that the alteration will not
35 preclude the structure’s continued designation as a historic structure.

36
37
38 **SECTION 3.** A portion of Section 50-246 of the Levy County Code is amended
39 as set forth below. Except as amended herein, the remainder of Section 50-246 remains
40 in full force and effect.

41
42 **Article VI. Flood Damage Prevention**

43 **Sec. 50-246. - Duties and powers of the floodplain administrator.**

Note: Additions shown underlined, deletions shown ~~stricken~~.

1 (d) *Substantial improvement and substantial damage determinations.* For
2 applications for building permits to improve buildings and structures, including but not
3 limited to alterations, movement, enlargement, replacement, repair, change of
4 occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of
5 substantial damage, and any other improvement of or work on such buildings and
6 structures, the floodplain administrator, in coordination with the building official, shall:
7

- 8 (1) Estimate the market value, or require the applicant to obtain an appraisal of
9 the market value prepared by a qualified independent appraiser, of the
10 building or structure before the start of construction of the proposed work;
11 in the case of repair, the market value of the building or structure shall be
12 the market value before the damage occurred and before any repairs are
13 made;
- 14 (2) Require the applicant to provide the cost to perform the improvement, the
15 cost to repair a damaged building to its pre-damaged condition, or the
16 combined costs of improvements and repairs, if applicable, and compare
17 such costs to the market value of the building or structure;
- 18 (3) Determine and document whether the proposed work constitutes
19 substantial improvement or repair of substantial damage; this determination
20 requires evaluation of previous permits issued for improvements and
21 repairs as specified in the definition of *substantial improvement*; and
- 22 (4) Notify the applicant if it is determined that the work constitutes substantial
23 improvement or repair of substantial damage and that compliance with the
24 flood resistant construction requirements of the Florida Building Code and
25 this article is required.
26
27

28 **SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase,
29 portion or provision of this ordinance is for any reason declared or held invalid or
30 unconstitutional by any court of competent jurisdiction, such section, subsection,
31 sentence, clause, phrase, portion or provision shall be deemed a separate, distinct and
32 independent provision, and the remainder of this ordinance shall be not affected by such
33 declaration or holding.
34

35 **SECTION 5. Repeal.** All ordinances or parts of ordinances and all resolutions or
36 parts of resolutions of Levy County that are in conflict with this ordinance are, to the extent
37 of the conflict, hereby repealed.
38

39 **SECTION 6. Inclusion in the Code.** The provisions of Sections 1 through 3 of
40 this ordinance shall become and be made a part of the Levy County Code, and the
41 sections of this ordinance may be renumbered or relettered and the word “ordinance” may
42 be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase
43 in order to accomplish the codification.
44

Note: Additions shown underlined, deletions shown ~~stricken~~.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

SECTION 7. Directions to the County Coordinator. The County Coordinator, or designee, is directed to transmit a copy of this ordinance to the Florida Building Commission within 30 days after adoption as required by Section 553.73(5), Florida Statutes.

SECTION 8. Effective Date. In accordance with Section 125.66, Florida Statutes, the Clerk to the Board of County Commissioners is directed to file this ordinance with the Florida Department of State within 10 days after adoption and upon such filing, this ordinance shall become effective.

ADOPTED this 25th day of July, 2023.

**BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

Matt Brooks, Chairman

ATTEST: Danny J. Shipp, Clerk of
the Circuit Court and Ex-Officio Clerk
to the Board of County Commissioners

Danny J. Shipp

Approved as to form and legal sufficiency

Nicolle M. Shalley, County Attorney

Note: Additions shown underlined, deletions shown ~~stricken~~.