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8 **ORDINANCE**
9 **NUMBER 2021-015**

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11
12 **AN ORDINANCE OF LEVY COUNTY, FLORIDA, AMENDING THE LAND**
13 **DEVELOPMENT CODE RELATING TO FLOOD DAMAGE**
14 **PREVENTION; BY AMENDING SECTION 50-1 TITLED “DEFINITIONS”;**
15 **BY AMENDING SECTION 50-131 TITLED “ADOPTION AND**
16 **ADMINISTRATIVE AND TECHNICAL AMENDMENTS”; AND BY**
17 **AMENDING CERTAIN SECTIONS WITHIN ARTICLE VI. TITLED**
18 **“FLOOD DAMAGE PREVENTION”; ADOPTING FINDINGS OF FACT;**
19 **PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING**
20 **CLAUSE; PROVIDING FOR MODIFICATION; PROVIDING FOR**
21 **INCLUSION IN THE CODE AND PROVIDING AN EFFECTIVE DATE.**
22

23
24 **WHEREAS**, pursuant to the authority granted under Article VIII, Section 1 of the
25 Florida Constitution, and Sections 125.01 and 125.66, Fla. Stat., Levy County, through
26 its Board of County Commissioners (the “Board”), has adopted floodplain management
27 regulations designed to provide flood damage prevention and protection, and to protect
28 and promote the public health, safety and welfare; and
29

30 **WHEREAS**, as part of its floodplain management program, Levy County
31 participates in the National Flood Insurance Program (the “NFIP”) and participates in the
32 NFIP’s Community Rating System (“CRS”), a voluntary incentive program that recognizes
33 and encourages community floodplain management activities that exceed the minimum
34 program requirements; and
35

36 **WHEREAS**, Levy County achieved a CRS rating of Class 9, making citizens who
37 purchase NFIP flood insurance policies eligible for premium discounts; and
38

39 **WHEREAS**, in 2020, the NFIP CRS established certain minimum prerequisites for
40 communities to qualify for or maintain CRS class ratings of Class 8 or better; and
41

42 **WHEREAS**, Levy County has determined that it is in the public interest to amend
43 its floodplain management regulations in order to satisfy the prerequisites and be eligible
44 to achieve a CRS rating of Class 8 or better;

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

1
2 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners
3 of Levy County, Florida, that:

4
5 **SECTION 1.** Certain definitions within Section 50-1 of the Levy County Code are
6 amended as follows. Except as amended herein, the remainder of Section 50-1 remains
7 in full force and effect:

8
9 **Chapter 50 – Land Development Code**

10 **Article I. – In General**

11 **Sec. 50-1. – Definitions.**

12 *Accessory structure or appurtenant structure* means a structure located on
13 the same parcel or lot as the principal structure and the use of which is subordinate or
14 customarily incidental to the principal use of the principal structure. Accessory structures
15 shall include, but not be limited to, barns, pole barns, sheds, storage buildings, and
16 other similar structures. For purposes of article VI – flood damage prevention of this
17 chapter, this term includes only accessory structures used for parking and storage.

18 ~~*Existing manufactured home park or subdivision* means a manufactured~~
19 ~~home park or subdivision for which the construction of facilities for servicing the lots on~~
20 ~~which the manufactured homes are affixed (including, at a minimum, the installation of~~
21 ~~utilities, the construction of streets, and either final site grading or the pouring of~~
22 ~~concrete pads) is completed before March 1, 1984.~~

23 ~~*Expansion to an existing manufactured home park or subdivision* means the~~
24 ~~preparation of additional sites by the construction of facilities for servicing the lots on~~
25 ~~which the manufactured homes are to be affixed, including the installation of utilities,~~
26 ~~either final site grading or pouring of concrete pads, or the construction of streets. Any~~
27 ~~expansion is considered new construction.~~

28 ~~*New manufactured home park or subdivision* means a manufactured home park~~
29 ~~or subdivision for which the construction of facilities for servicing the lots on which the~~
30 ~~manufactured homes are to be affixed (including at a minimum, the installation of~~
31 ~~utilities, the construction of streets, and either final site grading or the pouring of~~
32 ~~concrete pads) is completed on or after March 1, 1984.~~

33
34
35 **SECTION 2.** Section 50-131 of the Levy County Code is amended as follows:

36 **Chapter 50 – Land Development Code**

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

1 **Article IV. Building and Other Technical Codes and Standards**

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

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

7
8 (b) The provisions of the NFPA 101 Life Safety Code (2011), as adopted by the National
9 Fire Prevention Association, and as the same may be amended or updated from time to
10 time, are hereby adopted by reference as if set out at length herein. It shall be unlawful
11 to violate any sections of such NFPA Life Safety Code.

12
13 (c) Pursuant to F.S. ch. 553, the provisions of the Florida Building Code, as adopted by
14 the Florida Building Commission, and as may be amended from time to time by such
15 Florida Building Commission, are adopted herein by reference as if set out at length
16 herein, and shall apply to the construction, erection, alteration, modification, repair, use
17 and occupancy, location, maintenance, removal and demolition of every public and
18 private building, structure or facility or floating residential structure, or any appurtenances
19 connected or attached to such buildings, structures or facilities in Levy County other than
20 those specifically exempted by F.S. § 553.73, or by the Florida Building Code. Such
21 Florida Building Code shall be enforced in the county as provided in F.S. § 553.80, as the
22 same may be amended.

23
24 ~~(d) Pursuant to F.S. § 553.73(5), as the same may be amended, the following shall~~
25 ~~constitute administrative amendments to the Florida Building Code relating to flood~~
26 ~~resistance in order to implement the National Flood Insurance Program or incentives. The~~
27 ~~specific sections of the Florida Building Code referenced shall be amended as follows:~~

28
29 ~~(1) Sec. 104.10.1, Florida Building Code: Building~~

30
31 ~~Add a new Sec. 104.10.1 as follows:~~

32
33 ~~104.10.1 Modifications of the strict application of the requirements of the Florida~~
34 ~~Building Code. The building official shall coordinate with the floodplain~~
35 ~~administrator to review requests submitted to the building official that seek~~
36 ~~approval to modify the strict application of the flood resistant construction~~
37 ~~requirements of the Florida Building Code to determine whether such requests~~
38 ~~require the granting of a variance pursuant to Section 117.~~

39
40 ~~(2) Sec. 107.6.1, Florida Building Code: Building~~

41
42 ~~Add a new Sec. 107.6.1 as follows:~~

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

1
2 107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the
3 requirements of federal regulation for participation in the National Flood
4 Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the
5 building official to issue permits, to rely on inspections, and to accept plans and
6 construction documents on the basis of affidavits and plans submitted pursuant
7 to 105.14 and Section 107.6, shall not extend to the flood load and flood
8 resistance construction requirements of the Florida Building Code.
9

10 (3) ~~Sec. 117, Florida Building Code, Building~~

11
12 Add a new Sec. 117 as follows:

13
14 ~~117 VARIANCES IN FLOOD HAZARD AREAS~~

15
16 117.1 Flood hazard areas. Pursuant to section 553.73(5), Fla. Stat., the variance
17 procedures adopted in the local floodplain management ordinance shall apply to
18 requests submitted to the building official for variances to the provisions of Section
19 1612.4 of the Florida Building Code: Building or, as applicable, the provisions of
20 R322 of the Florida Building Code: Residential. This section shall not apply to
21 Section 3109 of the Florida Building Code: Building.
22

23 (e) ~~Pursuant to F.S. § 553.73(5), as the same may be amended, the following shall~~
24 ~~constitute technical amendments to the Florida Building Code relating to flood resistance~~
25 ~~in order to implement the National Flood Insurance Program or incentives. The specific~~
26 ~~sections of the Florida Building Code referenced shall be amended as follows:~~
27

28 (1) ~~Sec. R322.2.1 of the Florida Building Code: Building shall be amended as~~
29 ~~follows:~~

30
31 ~~R322.2.1 Elevation requirements.~~

32
33 1. ~~Buildings and structures in flood hazard areas not designated as Coastal A~~
34 ~~Zones shall have the lowest floors elevated to or above the base flood elevation~~
35 ~~plus 1 foot or the design flood elevation, whichever is higher.~~

36
37 2. ~~Buildings and structures in flood hazard areas designated as Coastal A Zones~~
38 ~~shall have the lowest floors elevated to or above the base flood elevation plus 1~~
39 ~~foot (305 mm), or to the design flood elevation, whichever is higher.~~

40
41 3. ~~In areas of shallow flooding (AO Zones), buildings and structures shall have~~
42 ~~the lowest floor (including basement) elevated at least as high above the highest~~
43 ~~adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or~~
44 ~~at least 3 feet if a depth number is not specified.~~

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

1
2 4. ~~Basement floors that are below grade on all sides shall be elevated to or~~
3 ~~above the base flood elevation plus 1 foot or the design flood elevation, whichever~~
4 ~~is higher.~~

5
6 ~~Exception: Enclosed areas below the design flood elevation, including basements~~
7 ~~whose floors are not below grade on all sides, shall meet the requirements of~~
8 ~~Section R322.2.2.~~
9

10 **SECTION 3.** Certain portions of Chapter 50, Article VI. Flood Damage Prevention
11 are amended as follows. Except as amended herein, the remainder of Chapter 50, Article
12 VI. remains in full force and effect:
13

14 **Chapter 50 – Land Development Code**

15 **Article VI. Flood Damage Prevention**

16 **Sec. 50-227. Applicability.**

17 (c) *Basis for establishing flood hazard areas.* The flood insurance study for Levy
18 County, Florida, and incorporated areas, dated January 28th, 2022 ~~February 3, 2017,~~
19 and all subsequent amendments and revisions, and the accompanying flood insurance
20 rate maps, and all subsequent amendments and revisions to such maps, are adopted
21 by reference as a part of this article and shall serve as the minimum basis for
22 establishing flood hazard areas. Studies and maps that establish flood hazard areas are
23 on file at the county development department, ~~622 East Hathaway Avenue, Bronson,~~
24 ~~Florida, or at such other address for the development department as may be determined~~
25 ~~by the board of county commissioners.~~
26

27 (d) Submission of additional data to establish flood hazard areas. Pursuant to section
28 50-248 of this article, the floodplain administrator may require submission of additional
29 data in order to establish flood hazard areas and base flood elevations. Where field
30 surveyed topography prepared by a Florida licensed professional surveyor or digital
31 topography accepted by the community indicates that ground elevations:
32

33 (1) Are below the closest applicable base flood elevation, even in areas not
34 delineated as a special flood hazard area on a FIRM, the area shall be considered
35 as flood hazard area and subject to the requirements of this article ordinance
36 and, as applicable, the requirements of the Florida Building Code.
37

38 (2) Are above the closest applicable base flood elevation, and the area is
39 delineated as a special flood hazard area on the FIRM, the area shall be
40 regulated as special flood hazard area unless the applicant obtains a letter of

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1 map change that removes the area from the special flood hazard area.
2

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

4 (b) *General.* The floodplain administrator is authorized and directed to administer,
5 implement and enforce the provisions of this article. The floodplain administrator shall
6 have the authority to render interpretations of this article consistent with the intent and
7 purpose of this article and may establish policies and procedures in order to clarify the
8 application of its provisions. Such interpretations, policies, and procedures shall not
9 have the effect of waiving requirements specifically provided in this article ordinance
10 without the granting of a variance pursuant to section 50-250 of this article.
11

12 **Sec. 50-250. - Variances and appeals.**

13 (f) *Functionally dependent uses.* A variance may be issued for the construction or
14 substantial improvement necessary for the conduct of a functionally dependent use, as
15 defined in Sec. 50-1 this article, provided the variance meets the requirements of section
16 50-250(d), is the minimum necessary considering the flood hazard, and all due
17 consideration has been given to use of methods and materials that minimize flood
18 damage during occurrence of the base flood.
19

20 **Sec. 50-266. - Buildings and structures.**

21 (c) Accessory structures. Accessory structures are permitted below the base flood
22 elevation provided the accessory structures are used only for parking or storage and:
23

24 (1) If located in special flood hazard areas (Zone A/AE) other than coastal high
25 hazard areas, are one-story and not larger than 600 sq. ft. and have flood
26 openings in accordance with Section R322.2 of the Florida Building Code,
27 Residential.
28

29 (2) If located in coastal high hazard areas (Zone V/VE), are not located below
30 elevated buildings and are not larger than 100 sq. ft.
31

32 (3) Are anchored to resist flotation, collapse or lateral movement resulting from
33 flood loads.
34

35 (4) Have flood damage-resistant materials used below the base flood elevation
36 plus one (1) foot.
37

38 (5) Have mechanical, plumbing and electrical systems, including plumbing
39 fixtures, elevated to or above the base flood elevation plus one (1) foot.
40

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

1 **Sec. 50-269. Manufactured homes.**

2 (b) *Foundations.* All new manufactured homes and replacement manufactured
3 homes installed in flood hazard areas shall be installed on permanent, reinforced
4 foundations that:

5 (1) In flood hazards areas (zone A) other than coastal high hazard
6 areas, are designed in accordance with the foundation
7 requirements of the *Florida Building Code: Residential* Section
8 R322.2 and this article. In regulatory floodways, the foundations
9 shall be designed and certified by a Florida licensed engineer or
10 architect. ~~Foundations for manufactured homes subject to section~~
11 ~~50-269(f) of this article are permitted to be reinforced piers or~~
12 ~~other foundation elements of at least equivalent strength.~~

13 (2) In coastal high hazard areas (zone V), are designed in accordance
14 with the foundation requirements of the Florida Building Code:
15 Residential Section R322.3 and this article.

16 (d) *Elevation.* All manufactured homes that are placed, replaced, or substantially
17 improved in flood hazard areas shall be elevated such that the bottom of the frame is
18 at or above the elevation required, as applicable to the flood hazard area, in the
19 Florida Building Code, Residential Section R322.2 (zone A) or Section R322.3 (zone V
20 and coastal A zone). ~~Manufactured homes that are placed, replaced, or substantially~~
21 ~~improved shall comply with sections 50-269(e) and (f) of this article, as applicable.~~

22
23 ~~(e) *General elevation requirement.* Unless subject to the requirements of section 50-~~
24 ~~269(f) of this article, all manufactured homes that are placed, replaced, or substantially~~
25 ~~improved on sites located:~~

26 ~~(1) Outside of a manufactured home park or subdivision;~~

27 ~~(2) In a new manufactured home park or subdivision;~~

28 ~~(3) In an expansion to an existing manufactured home park or~~
29 ~~subdivision; or~~

30 ~~(4) In an existing manufactured home park or subdivision upon which~~
31 ~~a manufactured home has incurred substantial damage as the~~
32 ~~result of a flood,~~

33 ~~shall be elevated such that the bottom of the frame is at or above the elevation required,~~
34 ~~as applicable to the flood hazard area, in the Florida Building Code: Residential Section~~
35 ~~R322.2 (Zone A) or Section R322.3 (Zone V).~~

36
37 ~~(f) *Elevation requirement for certain existing manufactured home parks*~~
38 ~~*and subdivisions.* Manufactured homes that are not subject to section 50-269(e)~~

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

1 of this article, including manufactured homes that are placed, replaced, or
2 substantially improved on sites located in an existing manufactured home park
3 or subdivision, unless on a site where substantial damage as result of flooding
4 has occurred, shall be elevated such that either the:

5 (1) ~~Bottom of the frame of the manufactured home is at or above the~~
6 ~~elevation required, as applicable to the flood hazard area, in the Florida~~
7 ~~Building Code: Residential Section R322.2 (Zone A) or Section R322.3~~
8 ~~(Zone V); or~~

9 (2) ~~Bottom of the frame is supported by reinforced piers or other foundation~~
10 ~~elements of at least equivalent strength that are not less than 36 inches~~
11 ~~in height above grade.~~

12 ~~(g)~~ (e) *Enclosures.* Enclosed areas below elevated manufactured homes shall
13 comply with the requirements of the *Florida Building Code: Residential* Section R322.2
14 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

15 ~~(h)~~ (f) *Utility equipment.* Utility equipment that serves manufactured homes,
16 including electric, heating, ventilation, plumbing, and air conditioning equipment and
17 other service facilities, shall comply with the requirements of the *Florida Building Code:*
18 *Residential* Section R322, as applicable to the flood hazard area.

19
20 **SECTION 4. Findings of Fact.** The Board of County Commissioners of Levy

21 County, Florida, finds and declares that the statements set forth in the whereas clauses
22 of this ordinance are true and correct.

23 **SECTION 5. Severability.** If any section, subsection, sentence, clause, phrase,

24 portion or provision of this ordinance is for any reason declared or held invalid or
25 unconstitutional by any court of competent jurisdiction, such section, subsection,
26 sentence, clause, phrase, portion or provision shall be deemed a separate, distinct and
27 independent provision, and the remainder of this ordinance shall be not affected by such
28 declaration or holding.

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

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

Approved as to form and legal sufficiency:

Nicolle M. Shalley, County Attorney

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