

**AGENDA FOR REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
INVERNESS, FLORIDA, CITY HALL, 212 WEST MAIN STREET**

August 19, 2014 - 5:30 PM

NOTICE TO THE PUBLIC

Any person who decides to appeal any decision of the Governing Body with respect to any matter considered at this meeting will need a record of the proceedings and, for such purpose, may need to provide that a verbatim record of the proceeding is made, which record includes testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

Accommodation for the disabled (hearing or visually impaired, etc.) may be arranged with advance notice of seven (7) days before the scheduled meeting, by dialing (352) 726-2611 weekdays from 8 AM to 4 PM.

ENCLOSURES*

- 1) INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL**
- 2) PLEASE SILENCE ELECTRONIC DEVICES**
- 3) ACCEPTANCE OF AGENDA**
- 4) PUBLIC HEARINGS**
 - a) None
- 5) OPEN PUBLIC HEARINGS**

The public is invited to express opinion on any item for this meeting or pending action at a future meeting of City Council.
- 6) PRE-SCHEDULED PUBLIC APPEARANCES**
 - a) SWFWMD - Flood Maps
- 7) MAYOR'S LOCAL ACHIEVEMENT AWARDS**
- 8) CITY ATTORNEY REPORT**
 - 3 - 6 a) Property Acquisition Ordinance (1st Reading)*
- 9) CONSENT AGENDA**
 - 7 a) Bill Listing *
Recommendation - Approval

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- 8 - 13 b) Council Minutes -08/05/14 *
Recommendation - Approval

10) CITY MANAGER'S REPORT Correspondence/Reports/Recommendations

- 14 - a) Flood Maps Ordinance (1st Reading)*
38

11) COUNCIL/MAYOR SUBJECTS

12) NON-SCHEDULED PUBLIC COMMENT

13) ADJOURNMENT

a)

DATES TO REMEMBER

Rock the Courthouse With 'Come Back Alice'

Saturday, August 30th; 7:00pm - 10:00pm

Courthouse Square

Movie in the Park - Lego

Sunday, August 31st ; 7:30pm

Whispering Pines Park

-
Inverness City Council Regular Meeting

Tuesday, September 2, 2014 at 5:30pm

Inverness Government Center

Budget Adoption Public Hearings

Thursday, September 4th, 2014 @ 5:01pm

Thursday, September 18th, 2014 @ 5:01pm

Inverness Government Center Council Chambers

Agenda Memorandum – *City of Inverness*

DATE: August 13, 2014
ISSUE: Land Procurement Ordinance – First Reading
FROM: City Manager
CC: City Clerk and City Attorney
ATTACHED: Proposed Land Procurement Ordinance

In the absence of local ordinance policy, the City of Inverness finds itself guided by Florida Statutes when engaging in a contractual purchase of real property. Depending on the situation, statutory conditions can be cumbersome, time consuming and costly. Collaboration on a local Ordinance by the City Attorney and this Office took place with respect to the best means, to structure ordinance language and related policy, for City Council to consider.

Mr. Haag will present the enclosed Ordinance and explain the merits, legal considerations, and merits of a locally structured protocol.

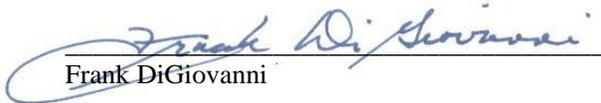
Following the presentation, Council is encouraged to express their concerns and, if the opportunity presents itself, move to proceed with first reading.

Recommended Action –

Provided the proposed Ordinance is acceptable with only minor change, it is recommended that City Council:

1. Motion, second and vote to read the Ordinance by title
 - a. City Clerk reads Ordinance title
2. Deliberate
3. If the desire it to proceed, motion and second to adopt the Ordinance on the first reading by roll-call

Do not hesitate to contact me with questions.


Frank DiGiovanni

Administrative Offices
212 West Main Street, Inverness Florida 34450
www.Inverness-FL.gov

ORDINANCE NO. 2014 - 705

AN ORDINANCE OF THE CITY OF INVERNESS, FLORIDA, PROVIDING FOR PROCEDURES FOR THE ACQUISITION OF REAL PROPERTY BY THE CITY FOR MUNICIPAL PURPOSES; PROVIDING FOR THE POWERS OF THE CITY MANAGER; PROVIDING FOR APPROVALS BY THE CITY COUNCIL; PROVIDING FOR APPRAISALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council wishes to adopt by Ordinance the procedures it uses for the acquisition of real estate necessary for Municipal purposes; and,

WHEREAS, the City wishes to adopt an alternative purchasing procedure separate and apart from Section 166.045, whereby the actions of the City in acquiring real property will be transparent and open to the public.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Inverness, Florida, as follows:

Section 1. The Code of Ordinances of the City of Inverness are hereby amended to include a new Section 5.22, entitled "Purchase of Real Property", which shall read as follows:

"Section 5.22. Purchase of Real Property.

- (a) It is the intent of the City Council that all future land acquisitions be made by the following procedures set forth in this section unless the City Manager determines to use the procedures set forth in Florida Statute 166.045. The procedures set forth below shall not apply to land acquisitions utilizing the powers of eminent domain as provided in Chapters 73 and 74 and Section 166.401, et. seq., Florida Statutes, or other general or special law.
- (b) When the City seeks to acquire real property, the City Manager is hereby empowered to obtain an option contract with the Seller of the desired lands. For purposes of this section, the term "option contract"

means a proposed agreement by the municipality to purchase a piece of property subject to approval of the City Council at a regular or special called public meeting. When the value of the real property exceeds \$50,000.00 in value but is not in excess of \$200,000.00, the City Manager shall obtain a cost market analysis prior to presenting the contract to the City Council. Said cost market analysis may be utilized by the City Council in determining the advisability of purchasing the real property under consideration. For parcels of land to be acquired which exceed \$200,000.00, the City Council shall obtain at least one appraisal prepared by a member of an appraisal organization which has been approved by the Governor and Cabinet pursuant to F.A.C. Rule 18-1.007 or be a state certified general appraiser as defined in Florida Statute Section 475.611.

Section 2. SEVERABILITY

If any article or portion of this ordinance is found to be invalid, unlawful or unconstitutional, all other articles of this ordinance shall remain valid and enforceable.

Section 3. INCLUSION IN THE CODE OF ORDINANCES

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Inverness as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code of Ordinances.

Section 4. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its adoption.

Upon motion duly made and carried on first reading, the foregoing ordinance was approved on the _____ day of _____, 2014.

Upon motion duly made and carried on second reading, the foregoing ordinance was adopted on the _____ day of _____, 2014.

CITY OF INVERNESS, FLORIDA

By: _____
KEN HINKLE, President

ROBERT PLAISTED, Mayor

ATTEST:

DEBORAH DAVIS, City Clerk

Approved as to form and content:

LARRY M. HAAG, City Attorney

08/12/2014 16:35

|CITY OF INVERNESS

VENDOR DOCUMENT	INVOICE	VOUCHER	DESCRIPTION	DUE DATE	DUE 08/20/14
			TOTALS FOR ANCHOR BENEFIT CONSULTING, INC		1,060.96
			TOTALS FOR LOIS BARANSKI		400.00
			TOTALS FOR TIME WARNER CABLE		129.95
			TOTALS FOR FLORIDA PUBLIC UTILITIES COMPANY		129.23
			TOTALS FOR EMBARQ FLORIDA, INC		1,310.16
			TOTALS FOR DUKE ENERGY		607.74
			TOTALS FOR FLORIDA SWIMMING INC		510.00
			TOTALS FOR GORMAN COMPANY		111.43
			TOTALS FOR GOVERNMENT FINANCE OFFICERS ASSN		197.00
			TOTALS FOR HANSEN, ERIC R		192.44
			TOTALS FOR HELTON ELECTRIC MOTOR SERVICE		223.95
			TOTALS FOR SOUTHEASTERN PAPER GROUP		109.96
			TOTALS FOR BOONE, JANE		128.24
			TOTALS FOR JANUSZEWSKI, CINDY		5.83
			TOTALS FOR KAROL KUSMAUL		470.40
			TOTALS FOR MICHAEL T. KOVACH, JR.		300.00
			TOTALS FOR OFFICE DEPOT INC		255.20
			TOTALS FOR PUBLIC RISK MANAGMENT OF FLORIDA		25,919.02
			TOTALS FOR SUMTER ELECTRIC COOPERATIVE INC		2,218.66
			TOTALS FOR SWARTZ, KATHLEEN		448.40
			TOTALS FOR UNIFIRST CORPORATION		62.38
			TOTALS FOR US LEGAL SERVICES, INC		56.25
			TOTALS FOR VERTEKS CONSULTING, INC.		4,770.00
			TOTALS FOR WRIGHT EXPRESS		669.90
			REPORT TOTALS		40,287.10

** END OF REPORT - Generated by Esther Kirkland **

August 5th, 2014
5:30 PM

The City Council of the City of Inverness met on the above date in Regular Session at 212 W. Main Street with the following members present:

President Hinkle
Vice President Hepfer
Councilwoman Bega
Councilman McBride
Councilman Ryan
Mayor Plaisted (Not Present)

Also present were City Manager DiGiovanni, City Attorney Haag, Community Development Director Malm, Finance Director Chiodo, Aquatic Coordinator Pleacher, Woodard & Curran Director Regina and City Clerk Davis.

The Invocation was given by Councilman McBride and the Pledge of Allegiance was led by the City Council.

ACCEPTANCE OF AGENDA

Council President Hinkle entertained a motion to accept the agenda with changes to move the Mayor's Local Achievements to follow Acceptance of Agenda, and Opening of Public Meetings to be above City Attorney's Report. **Councilwoman Hepfer motioned to accept the Agenda as presented with changes. Seconded by Councilwoman Bega. The motioned carried.**

MAYOR'S LOCAL ACHIEVEMENT AWARDS

7)a) City of Inverness Hilltoppers Swim Team was addressed, with City Manager DiGiovanni presenting a Cooter Kudo to the Hilltoppers Swim Team and providing the background and history of the Swim Team beginning at the Whispering Pines Pool, and reaching out into the school system and beyond in Citrus County.

PUBLIC HEARINGS

None

OPEN PUBLIC MEETING

None

CITY ATTORNEY REPORT

None

SCHEDULED APPEARANCES

6)a) Citrus County – 1 Cent Sales Tax Presentation - Agenda material was provided which addressed the Citrus County 1 Cent Sales Tax Presentation. It was noted that the majority of the Citrus County Board of Co Commissioners decided to proceed with

Ordinance language and ballot initiative for this election in November for the public to vote on a 1-Cent Sales Tax for road resurfacing.

Jeff Rogers, Interim Co. Administrator came to update the Council on a “Cents for Citrus” referendum by the Board of County Commissioners (BOCC). He spoke of meeting with the City Manager of the County’s efforts to address the local road resurfacing. He is here to inform and educate Council of the referendum, and if there is interest in an interlocal agreement for the City to receive a share of the revenue should the referendum pass.

Mr. Rogers spoke of a 1% surtax allowed by the FL. Dept. of Revenue, called a Charter County Regional Transportation System surtax, or sales tax. The Referendum has been approved by the BOCC to be placed on the November 4th General Election ballot. This can be shared with other municipalities, by Interlocal Agreement, with no requirement of how sharing is calculated. One method is a formula based on population. This surtax can be used due to the County’s membership in the Tampa Bay Regional Transportation Authority.

He stated that the County’s local resurfacing program has not been sufficiently funded, and approximately 3 years ago, with the recession and with the Duke Energy issues, the County stopped resurfacing at that time. The County requires approximately \$13 million a year for all local roads to be paved every 20 years.

The Florida Department of Revenue calculates that a one cent sales tax could generate annually up to \$11.6 million. If the referendum gets passed all 1678 miles of County maintained and owned local residential paved roads will be resurfaced which could improve safety and quality of life. To use the formula that goes by population it would be \$500,000 per year estimated income return to the city.

Mr. Rogers spoke to the current gas tax revenue which is declining and cannot be increased. Citrus County has approved all the local gas tax allowable under Florida statutes. He compared surrounding counties resurfacing efforts compared to Citrus County. Mr. Rogers noted that with this gas tax, everyone pays for roads and maintenance to include residents, tourist, renters, businesses working or driving through Citrus County.

The one cent sales tax would be applied to the first \$5,000, of a purchase and the current exempt items will remain exempt. This tax will benefit the residence, roadway construction industry, motorists, real estate industry and the County. This tax will be in effect for 20 years (one life cycle – all roads paved), and would have to go for referendum to be renewed. BOCC would oversee and is responsible for surtax. The ordinance requires an annual report of all revenue and expenses. The County would also approve all road paving bids and contracts.

Discussion:

Councilwoman Bega spoke to the ordinance wording regarding “may get funds” and would this be above and beyond the County maintaining their own roads that are within the city, because they’re not all city roads. Mr. Rogers stated that per the Ordinance the cities get funded through an Interlocal Agreement. Through the Interlocal Agreement the city could receive \$500,000 but not beyond. Councilwoman Bega questioned if we will still be paying \$.12 gas tax and \$.01 sales tax and if all of this money is going towards the roads. Mr. Rogers stated that the 1cent would be dedicated for resurfacing of local paved roads. There are restrictions on the \$.12 gas tax for various uses.

Councilwoman Hepfer referenced the Transportation Authority (TBARTA) and how they figured into a 1% tax on Citrus County. Mr. Rogers stated that is if you would want to consider sharing with TBARTA.

Councilman Ryan questioned current gas tax income and spoke to the increase with the gas tax and the \$.01 sales tax, and the potential to lessen the gas tax. Mr. Rogers explained it being restricted by ordinance. Councilman Ryan questioned if the roads are currently good for 50 years, with Mr. Rogers stating the typical life is 16-20 years.

Councilman McBride asked if the referendum is passed could the ad valorem or the gas tax would be reduced, and what are the chances this would be voted on? He questioned the number of miles that this \$.01 gas tax would be applied to. It was clarified this tax is to be used for inventory of paved local roads (not major roads). Councilman questioned how this is preferable to a local assessment, and Mr. Rogers stated assessments are only paid for by residents and the \$.01 surtax is paid by visitors, renters & business as well as residents.

Council President Hinkle questioned some of the figures referenced, including the amount being generated by the tax and what was being budgeted.

Councilman Ryan asked how resurfacing would be funded if the referendum is not passed. Mr. Rogers spoke to workshops regarding surtax and having a meeting with County Commissioners to see how it would be funded.

Councilwoman Bega questioned the current gas tax allocation and what would the proposed bonds be? Mr. Rogers explained the existing bonds are for CR 486 & proposed bonds are for the proposed 491 projects.

County Atty. Haag questioned the timing of the interlocal and that it would have to be to the Department of Revenue 10 day after the referendum passes. Carrie Parsons - County Attorney stated the statute does not say that but the ordinance and the referendum must be there within the 10 days. City Attorney Haag understood the money would flow through the Clerk of the Courts and be held in trust fund. City Attorney spoke of how the Interlocal could be changed in the future. His concern is the Council's role. City Attorney Haag referenced that Citrus Springs started with a MSBU for various issues and then was shifted to a MSTU, and questioned if the MSBU still exists out there for road purposes. Mr. Rogers stated that yes it is still in existence.

6)b) City Attorney memorandum & Analysis of 1-Cent Sales Tax - City Attorney Haag advised Council to be aware that in the ordinance if the County has preference to change its ordinance language in the future and determine funding shift to other transportation uses besides resurfacing, it can happen. The County reserves the right to change the use of the transportation surtax through subsequent ordinance.

CONSENT AGENDA

Councilwoman Hepfer motioned to accept the Consent Agenda. Seconded by Councilman Ryan. The motion carried.

- a) Bill Listing*
 - Recommendation – Approval
- b) Council Minutes – 07/15/14 & 7/22/14WS*;*
 - Recommendation – Approval
- c) Proclamation – Constitution Week*

- Recommendation - Approval
- d) Cemetery Lot Repurchase – Lot 443, Citrus Ave Addition*
- Recommendation – Approval

CITY MANAGER'S REPORT

10)a) SRF Loan Agreement Amendment was addressed by City Manager DiGiovanni who explained that this issue dates back almost 10 years with plan development and construction of the Wastewater Treatment Plant. Funding was received by the Department of Environmental Protection (DEP) to design an upgraded Plant Facility and Reclaimed Water system in August 2005. The State Agreement provided a maximum of \$10,000,000 in grant funds. The State's original loan language and grant agreement did not include a provision to clarify that grant proceeds are annually awarded by Legislative Action. The new language will be added to the existing Agreement and will read as follows: *The State of Florida's performance and obligation to pay the grant fund under this Agreement is contingent upon an annual appropriation by the legislature. The Department and the Local Government understand that this Agreement is not a commitment of future appropriations.* The Florida Legislature has consistently appropriated grant funding since the inception and no different than Inverness, annual payment are subject to an annual appropriation.

Councilwoman Bega motioned to authorize Amendment 4 to the State Revolving Fund Debt Purchase Agreement, and Amendment 2 to the State Revolving Fund Grant Agreement and for the Council President to execute documents as necessary. Seconded by Councilwoman Hepfer. The motion carried unanimously.

10)b) Medical Benefit Renewal: Vision & Dental Plan was addressed. City Manager DiGiovanni explained that the City of Inverness maintains a benefit program for Major Medical to include prescription drugs; Vision, and Dental. At the prior meeting, City Council acted to renew the Major Medical program without any change to the cost or benefits. Proposals were received for the Vision and Dental Plan which includes: program administration, cost and benefit level and are being renewed without an increase in cost or change in benefits.

Councilwoman Hepfer motioned to renew the Dental Plan with Dental Decisions, and Vision Plan with the Florida Municipal Insurance Trust, and authorize the City Manager to execute renewal agreements for both programs covering the 2015 benefit plan. Seconded by Councilman Ryan. The motion carried unanimously.

10)c) Plaza Development was addressed by City Manager DiGiovanni, who noted this was in reference to the Plaza Development Project at the corner of Courthouse Square and N Apopka Ave. This project is supportive to the Valerie Theatre Project, which is currently underway with the firm Clancy & Theys, through a Construction Manager at Risk (CMAR) arrangement. Before them this evening are amendments to the original agreement to enter into a separate agreement with Clancy Theys as Construction Manager at Risk (CMAR) for development of the Plaza itself. This project is anticipated to cost \$422,180 and will be an impactful element to the downtown, and is recommended that City Council proceed accordingly. He noted all the positive comments he was receiving on the Revitalization of Valerie Theatre. The GMP provides a ceiling amount for the CMAR given their prospective diligence of certain pre-construction services.

Councilman McBride questioned possibility of price change, causing this project amount to increase. City Manager DiGiovanni stated no, as the element of the plaza have been reviewed at such a heightened detail, to the point of landscape illumination, and the measuring of the feet of lighting to be strung in the trees.

Councilman Ryan motioned to authorize that the Council President execute the Amendment to the CMAR, continual services agreement for the Plaza Development Project. Seconded by Councilwoman Hepfer. The motion carried unanimously.

10)d) Byrne Grant – 51% Letter was addressed by City Manager DiGiovanni advising that the amount of \$53,925 will be used to provide a Law Enforcement Data Storage and Retrieval System by way of computer capacity to meet the ever increasing need to store, secure and retrieve law enforcement data. A requirement of the grant is for the Sheriff's Office to secure support from 51% of the Law Enforcement Agencies of the community for the application and use of the funds.

Councilwoman Hepfer motioned to authorize the Council President to execute the Byrne (JAG) Grant Fifty-One percent letter in support of the Sheriff Office application to be awarded \$53,925 for local use. Seconded by Councilman McBride. The motion carried unanimously.

10)e) Florida League of Cities Conference – Voting Delegate was addressed by City Manager DiGiovanni who referenced attached agenda information by the Florida League of City for the upcoming Statewide City Conference. Council is asked to select one to serve as the representative voting delegate for Inverness at this year's League Conference. The selected party will be required to attend business meetings, participate in discussion and vote the interests of our City.

Councilwoman Bega motioned to make Council President Hinkle the authorized voting delegate for Inverness at the 2014 FLC Conference. Seconded by Councilman McBride . The motioned carried unanimously.

10)f) MPO Committee Appointments was addressed by City Manager DiGiovanni referencing volunteer committee member openings on the Hernando/Citrus MPO boards. There is one opening for an individual to represent Citrus County in cycling. City Manager will agree to serve unless there is someone else interested. If there is anyone other than him that understands the subject please bring their names forward. An application needs to be completed and forwarded to the MPO. No current action was necessary.

10)g) Cooter Pond Lighting Project Status (verbal) was addressed

On going project – and moving forward and taking longer than originally expected. Another addition to the downtown.

City Manager DiGiovanni additionally reported on the following:

- Next City Council meeting (08/19/14) will be at the Historic Courthouse on the second floor, due to early voting in our building.

- The recent budget workshop went very well. There are still some glaring issues such as public safety, etc. He stated that the 1 Cent Sales Tax is adding to the amount of taxation levied on communities, and noticed the majority of those taxes are going to CR 491, and spoke to the harm due to the medical corridor.

COUNCIL/MAYOR SUBJECTS

Councilman McBride referenced City Manager’s comments regarding 486, 491 and the medical corridor, and how these are effects of sprawl and lack of planning. His prediction is that the one cent sales tax doesn’t have a chance of passing. MPO meeting is on August 19th which is the same day as Council meeting.

Councilman Ryan stated the Pine Street Jam was awesome with many people from all over the county and further. Enjoyed the budget meetings and appreciate all of the information provided. Visited the Farmers Market and enjoys being a Councilman.

Councilwoman Hepfer referenced 491 and why would I want to contribute to the medical corridor as it will affect the medical community in our downtown area. Spoke negatively of the new 1 Cent Tax.

Councilwoman Bega stated the public needs to know we currently pay .12 cent tax per gallon of gas and half of that \$7.4 million is going to two roads, while these past years no other roads have been resurfaced. She agrees that we don’t see the 1 cent tax passing. Friday night was a blast and Sunny Cooter is one busy turtle.

City Manager recalls not long ago of the Ottawa Project was to alleviate the need to widen 491. Impact fees were collected to fund deficiencies for a number of years. We are to manage the City of Inverness but nothing wrong to raise concerns with the county plans.

President Hinkle agreed with consensus regarding 1 cent tax and is offended about the medical corridor. Children will be going back to school tomorrow & asked all to be careful. Noted that he has qualified to be a councilmember once again. He spoke of the 1st Methodist Church being hit by lightning and cannot meet there until it’s repaired, which will take some time. Spoke to the Pine Street Jam and how much the people enjoyed it.

CITIZENS NOT ON AGENDA

Brad Gibbs, a city resident and downtown businessman spoke to Friday night and the young people dancing and all in safe environment. There is coming an aggressive project to reface several storefronts in downtown Inverness and has been working with Dale Malm on the facade grant application. Last Monday received a call from lawn maintenance people regarding his rental unit on Osceola and a water problem with water shooting in the air. He called Regina (Public Works) to have someone from the city turn off water with a special tool, even though it was not the city’s responsibility, and referenced that would never be done in South Florida.

Meeting adjourned at 7:19.

City Clerk

Council President

Agenda Memorandum – *City of Inverness*

August 15, 2014

TO: Elected Officials
FROM: Assistant City Manager
SUBJECT: Floodplain Management Ordinance – (First Reading)
CC: City Clerk
Enclosure: Floodplain Management Ordinance #2014-704

As presented by the FEMA/SWFMD representatives earlier this evening, new Flood Insurance Rate Map (FIRM) panels have to be adopted into the city's code of ordinances to remain participant within the National Flood Insurance Program (NFIP). This program provides city residents and businesses NFIP-backed Preferred Risk Policy (reduced) insurance premiums. In order to meet all tenants of the NFIP for these reduced premiums the city must also become consistent with certain portions of the 2010 revisions to the Florida Building Code (FBC), floodplain management provisions, involving construction techniques within flood hazard areas.

The State has mandated that all local government floodplain management ordinances be standardized to their new model floodplain ordinance. Before Council this evening is the first reading of an ordinance reviewed by the City Attorney that adopts the new FIRM panels, provides consistency with the FBC, and is in keeping with the standardized floodplain ordinance.

Recommended Action -

It is recommended that Council

1. *Motion, second and vote read Ordinance 2014- ##, by title*
2. *City Clerk reads Ordinance title*
3. *City Council deliberates the subject*
4. *To proceed, motion and second to adopt the Ordinance on the first reading by roll-call*

If you wish to discuss this further, please contact me at your convenience.



Eric C. Williams

ORDINANCE NO. 2014 - 704

AN ORDINANCE OF THE CITY OF INVERNESS AMENDING THE CODE OF ORDINANCES FOR THE CITY BY TOTAL REPEAL AND REPLACEMENT OF PART II CHAPTER 9.5 FLOOD DAMAGE PREVENTION; PROVIDE FOR ADOPTION OF FLOOD HAZARD MAPS THAT ARE EFFECTIVE SEPTEMBER 26, 2014; PROVIDE FOR THE DESIGNATION OF A FLOODPLAIN ADMINISTRATOR; PROVIDE FOR ADOPTION PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS AND OTHER PURPOSES; PROVIDE FOR APPLICABILITY; PROVIDE FOR REPEALER; PROVIDE FOR SEVERABILITY; PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Inverness 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, and

WHEREAS, the City of Inverness was accepted for participation in the National Flood Insurance Program on May 17, 1982 and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the Florida Building Code; and

WHEREAS, section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

WHEREAS, the City Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Inverness, Florida that the following floodplain management regulations are hereby adopted.

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

This ordinance specifically repeals and replaces the following regulation(s): of the City of Inverness Code of Ordinances Part II Chapter 9,5 – Flood Damage Prevention

ARTICLE 1. ADMINISTRATION

Sec.9.5-1. General.

(a) *Title.* These regulations shall be known as the *Floodplain Management Ordinance* of the City of Inverness , hereinafter referred to as “this ordinance.”

(b) *Scope:* The provisions of this ordinance 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.

(c) *Intent:* The purposes of this ordinance 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.

(d) *Coordination with the Florida Building Code:* This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

9(e) *Warning:* The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, 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 ordinance 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 this community 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 ordinance.

(f) *Disclaimer of Liability*: This ordinance shall not create liability on the part of City Council of the City of Inverness or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 9.5-2. Applicability.

(a) *General*. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) *Areas to which this ordinance applies*. This ordinance shall apply to all flood hazard areas within the City of Inverness, as established in Section 9.5-2(c) of this ordinance.

(c) *Basis for establishing flood hazard areas*. The Flood Insurance Study for Citrus County, Florida and Incorporated areas dated September 26, 2014 and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance 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 Community Development Department, City of Inverness 212 W. Main Street, Inverness, FL

(1) *Submission of additional data to establish flood hazard areas*. To establish flood hazard areas and base flood elevations, pursuant to Section 9.5-5 of this ordinance 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:

a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.

(1) b. 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.

(d) *Other laws*. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

(e) *Abrogation and greater restrictions*. This ordinance 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 but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

- (f) *Interpretation.* In the interpretation and application of this ordinance, 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.

Sec. 9.5-3. Duties and powers of the floodplain administrator.

(a) *Designation.* The Community Development Director is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

(b) *General.* The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance 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 ordinance without the granting of a variance pursuant to Section 9.5-7 of this ordinance.

(c) *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 ordinance;
- (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 ordinance 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 ordinance.
- (d) *Substantial improvement and substantial 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; 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 ordinance is required.
- (e) *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 9.5-7 of this ordinance.
- (f) *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 ordinance.
- (g) *Inspections.* The Floodplain Administrator shall make the required inspections as specified in Section 9.5-6 of this ordinance 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.
- (h) *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 9.5-3(d) of this ordinance;
- (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 (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA 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 6 months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code and this ordinance to determine that such certifications and documentations are complete; and
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Inverness are modified.

(i) *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 ordinance 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 ordinance; notifications to adjacent communities, FEMA, 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 ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Community Development Department, City of Inverness 212 W. Main Street.

Sec. 9.5-4. Permits.

(a) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, 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 ordinance and all other applicable codes and regulations has been satisfied.

(b) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance 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.

(c) *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 C.F.R. 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 ordinance:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- (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, F.S., 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 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 Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

(d) *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 9.5-5 of this ordinance.
- (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.

(e) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, 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.

(f) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(g) *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 ordinance or any other ordinance, regulation or requirement of this community.

(h) *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 Southwest Florida Water Management District; section 373.036, F.S.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (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.

Sec 9.5-5. Site plans and construction documents.

(a) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance 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 FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 9.5-5(b)(2) or (3) of this ordinance.
- (3) Where the parcel on which the proposed development will take place will have more

than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 9.5-5(1) of this ordinance.

- (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 ordinance 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 ordinance.

(b) *Information in flood hazard areas without base flood elevations (approximate Zone A).* Where flood hazard areas are delineated on the FIRM 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 two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
 - (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- (c) *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 FEMA as specified in Section 9.5-5(d) of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, 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 FIRM 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 FEMA as specified in Section 9.5-5(d) of this ordinance.
- (d) *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 FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 9.5-6 Inspections.

(a) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.

(1) *Development other than buildings and structures.* The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

(2) *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 ordinance and the conditions of issued floodplain development permits or approvals.

a . *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 9.5-5(b)(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

b. *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 9.5-6(a)(2)(a) of this ordinance.

(3) *Manufactured homes.* The Floodplain Administrator or Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance 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 Floodplain Administrator.

Sec 9.5-7 Variances and appeals

(a) *General.* The City of Inverness Zoning Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Zoning Board of Adjustment 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.

(b) *Appeals.* The Zoning Board of Adjustment 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 ordinance. Any person aggrieved by the decision of the Zoning Board of Adjustment may appeal such decision to the Circuit Court, as provided by Florida Statutes.

(c) *Limitations on authority to grant variances.* The Zoning Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 9.5-7(g) of this ordinance, the conditions of issuance set forth in Section 9.5-7 (h) of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Zoning Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

(d) *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 9.5-5(c) of this ordinance.

(e) *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*.

(f) *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 ordinance, provided the variance meets the requirements of Section 9.5-7(d), 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.

(g) *Considerations for issuance of variances.* In reviewing requests for variances, the Zoning Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, 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.

(h) *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 ordinance or the required elevation standards;

- (2) Determination by the Zoning Board of Adjustment 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 \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 9.5-8. Violations

(a) . Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. 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 ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(b) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance 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.

(c) *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.

Secs. 9.5-9. – 9.5-25 Reserved

ARTICLE II. DEFINITIONS

Sec 9.5-26. General.

- (a) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.
- (b) *Terms defined in the Florida Building Code.* Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
- (c) *Terms not defined.* Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

Sec 9.5-27. 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 ordinance or a request for a variance.

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

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) Area with a floodplain subject to a 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 2 feet. [Also defined in FBC, B, Section 1612.2.]

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 April 7, 1982. [Also defined in FBC, B, Section 1612.2.]

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 April 7, 1982.

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 (FEMA). 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: [Also defined in FBC, B, Section 1612.2.]

- (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. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (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 (FIRM). 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. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). 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. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (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 ordinance.

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. [Also defined in FBC, B, Section 1612.2.]

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 (LOMC). An official determination issued by FEMA that amends or

revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA 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.

Letter of Map Revision (LOMR): 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.

Letter of Map Revision Based on Fill (LOMR-F): 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.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR 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 FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 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 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 ASCE 24. [Also defined in FBC, B, Section 1612.2.]

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." [Also defined in 15C-1.0101, F.A.C.]

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 ordinance, 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 ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after April 7, 1982 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 April 7, 1982.

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. [Defined in section 320.01, F.S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [see in section 320.01, F.S.]

- (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 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

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. [Also defined in FBC, B Section 1612.2.]

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 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 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: [Also defined in FBC, B, Section 1612.2.]

- (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. [See *Instructions and Notes*]

Variance. A grant of relief from the requirements of this ordinance, 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 ordinance or the *Florida Building Code*.

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

Secs. 9.5-28—9.5-35. Reserved

ARTICLE III. FLOOD RESISTANT DEVELOPMENT

Sec. 9.5-36. Buildings and structures

(a) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to Section 9.5-4(c) of this ordinance, 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 ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 9.5-42 of this ordinance.

Sec 9.5-37. Subdivisions

(a) *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.

(b) *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 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 9.5-5(b)(1) of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of Section 9.5-38 of this ordinance.

Sec 9.5-38. Site improvements, utilities and limitations

(a) *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.

(b) *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, F.A.C. and ASCE 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.

(c) *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, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(d) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 9.5-5(c)(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(e) *Limitations on placement of fill.* Subject to the limitations of this ordinance, 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*.

Sec 9.5-39. Manufactured homes

(a) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

(b) *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 ordinance.

(c) *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.

(d) *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 9.5-39(d)(1) or Section 9.5-39(d)(2) of this ordinance, as applicable.

(1) *General elevation requirement.* Unless subject to the requirements of Section 9.5-39(d)(2) of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) 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)*.

(2) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to Section 9.5-39(d)(1) of this ordinance, 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 36 inches in height above grade.

(e) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential Section R322* for such enclosed areas.

(f) *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.

Sec. 9.5-40 Recreational vehicles and park trailers

(a) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 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.

(b) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in Section 9.5-40(a) of this ordinance for temporary placement shall meet the requirements of Section 9.5-39 of this ordinance for manufactured homes.

Sec. 9.5-41. Tanks

(a) *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.

(b) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of Section 9.5-41(c) of this ordinance 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.

(c) *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.

(d) *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.

Sec 9.5-42. Other development

(a) *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 ordinance or the *Florida Building Code*, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 9.5-38(d) of this ordinance 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.

(b) *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 9.5-38(d) of this ordinance.

(c) *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 9.5-38(d) of this ordinance.

(d) *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 9.5-38(d) of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 9.5-5(c)(3) of this ordinance.

SECTION 4. Fiscal impact statement.

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 5. Applicability.

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Inverness. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the date of adoption of this ordinance.

SECTION 6. Repealer.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): City of Inverness Code of Ordinances Part II Chapter 9.5 Flood Damage

Prevention. **SECTION 7. Inclusion into the code of ordinances.**

It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the the City of Inverness Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 8. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 9. Effective date.

This ordinance shall take effect on September 26, 2014

PASSED on first reading _____.

PASSED and ADOPTED in regular session, with a quorum present and voting, by the City Council, upon second and final reading this _____ day of _____, 2014

CITY OF INVERNESS, FLORIDA

By: _____
KEN HINKLE, President

By: _____
ROBERT PLAISTED, Mayor

ATTEST:

DEBORAH DAVIS, City Clerk

Approved as to form and correctness:

City Attorney