

Mayor
Laurence Vorisek
Vice Mayor
Tim Ecker
Council Members
Bob Terrian
Allen Casey
Mindy Brady



YANKEETOWN TOWN HALL
6241 HARMONY LANE, YANKEETOWN FL
REGULAR MEETING AGENDA
July 6, 2026, AT 6:00 PM

Town Administrator
Seante M Gyukeri
Deputy Clerk
Staci DeBolt
Maintenance Supervisor
Barrett Blais
Attorney
Norm D Fugate

MEETING CALLED TO ORDER:

(Please turn off Cell phones)

PLEDGE OF ALLEGIANCE:

ROLL CALL: Laurence Vorisek, Tim Ecker, Bob Terrian, Allen Casey, Mindy Brady, Seante Gyukeri, and Norm Fugate.

AGENDA:

- 1. Minutes**
 - 1. 06.2.26 Meeting Minutes**
 - 2. 06.2.26 CDBC Minutes**
- 2. Tammy Jones Election Official**
- 3. Savinacious- Monthly report**
- 4. Chris McGann IRC-October Oyster Festival**
- 5. Discuss Comp Plan Ammendment="fair market value" definition for CRS**
- 6. Set Budget Hearing dates-**
 - Sept 9th fire assessments, tentative millage, tentative budget**
 - Sept 23rd final millage and final budget**

COUNCIL REPORTS OR ANNOUNCEMENTS:

Laurence Vorisek:

Tim Ecker:

Bob Terrian: Sheriff and Fire report

Allen Casey: Animal Control report

Mindy Brady:

MAYOR REPORTS OR ANNOUNCEMENTS:

TOWN ADMINISTRATOR REPORT OR ANNOUNCEMENTS:

AREA RESIDENT COMMENTS OR ANNOUNCEMENTS: (Please Limit to Three (3) Minutes)

ADJOURNMENT:

POSTED: 06 July 2026

Seante M. Gyukeri, Town Administrator

Mayor
Laurence Vorisek
Vice Mayor
Tim Ecker
Council Members
Bob Terrian
Allen Casey
Mindy Brady



Town Administrator
Seante M Gyukeri
Administrative Assistant
David Weaver
Deputy Clerk
Linda Harrington
Maintenance Supervisor
Barrett Blais
Town Attorney
Norm D Fugate

REGULAR COUNCIL MEETING MINUTES
June 2, 2026, 6:00 PM
Yankeetown Town Hall,
6241 Harmony Lane, Yankeetown, Florida

CALL TO ORDER

Mayor Laurence Vorisek called the meeting to order at 6:00 PM. The Pledge of Allegiance was recited.

ROLL CALL

Present: Mayor Laurence Vorisek, Vice Mayor Tim Ecker, Council Member Bob Terrian, Town Administrator Seante M. Gyukeri, Town Attorney Norm Fugate.

Absent: Council Member Alan Casey, Council Member Mindy Brady.

A total of 24 people attended the meeting

A quorum was established.

AGENDA APPROVAL

Mayor Vorisek requested the addition of Item 10, Council Liaison Assignments, to the agenda. Council concurred.

1. APPROVAL OF MINUTES

Motion by Tim Ecker, seconded by Bob Terrian, to approve:

- May 4, 2026 Regular Council Meeting Minutes
 - May 4, 2026 CDBG Meeting Minutes
 - May 4, 2026 Ordinance 2026-01 Hearing Minutes.
- Motion passed unanimously.

2. CAPITAL CITY BANK PRESENTATION

Michelle Pellino and Dwight of Capital City Bank presented a proposal regarding the Town's banking relationship. Topics discussed included:

- Consolidation of eligible accounts into a hybrid account structure.
- Increased interest earnings on Town funds.
- Positive Pay and ACH fraud prevention tools.
- Remote deposit capabilities.
- ACH payment processing for utility billing.
- Electronic payment and wire transfer capabilities.
- Potential annual financial benefit through increased interest earnings and reduced fees.
- Utilization of earnings credits to offset banking service fees.

Town Administrator Gyukeri advised Council that discussions initially began to facilitate bringing utility billing and ACH payments in-house but expanded into a broader review of the Town's banking structure. Council discussed benefits, account segregation requirements, public funds compliance, and implementation considerations. Council consensus was that additional review was needed.

Direction Given: Schedule a workshop for further discussion. Schedule a special meeting if Council chooses to proceed with the proposed banking structure.

3. WOMEN'S CLUB / LIBRARY DONATION REQUEST

Representatives discussed the history of donations made by the Women's Club and support previously provided to the Yankeetown Library.

A request was made for Council to consider a budget allocation of approximately \$2,000 during the next fiscal year budget process.

Council indicated the request would be considered after upcoming budget workshops.

4. FIRE EQUIPMENT / FIRE CHIEF STEADMAN McLEAN

Fire Chief Steadman McLean addressed Council regarding fire department equipment needs.

Council Member Bob Terrian agreed to meet with Chief McLean to review the requests and report back to Council.

5. APPOINTMENT TO PLANNING & ZONING BOARD

Motion by Tim Ecker, seconded by Bob Terrian, to appoint Terry Scoggins to the Planning & Zoning Board.

Motion passed unanimously.

6. COMBINING BOARD OF ADJUSTMENT WITH PLANNING & ZONING

Discussion was held regarding combining the Board of Adjustment and Planning & Zoning Board functions.

Council directed that the matter be brought back for workshop discussion, potentially in conjunction with other upcoming workshops.

7. SAVINACIOUS MONTHLY REPORT

Jason Benoit of Savinacious presented information regarding FEMA elevation projects.

Discussion included:

FEMA elevation activities. A 30-day extension request associated with ongoing work. Status updates on project activities.

Council received the report.

8. WATER PLANT RENEWAL

Council discussed the Town's flood insurance renewal at Water Plant

Motion by Tim Ecker, seconded by Bob Terrian, to cancel the flood insurance renewal at Water Plant.

Vote: Bob Terrian, Yea, Tim Ecker, Yea, Laurence Vorisek, Yea

Motion passed unanimously.

9. BUILDING PERMIT FEES RESTRUCTURE

Council discussed restructuring of building permit fees, due to HB

Discussion included:

Town-wide water quality planning. SRF grant opportunities. Future workshop discussions regarding fee structures and related planning matters.

No formal action was taken.

10. COUNCIL LIAISON ASSIGNMENTS

Motion by Tim Ecker, seconded by Bob Terrian, to approve the following liaison assignments:

Council Member	Liaison Assignment
Laurence Vorisek	Water
Tim Ecker	Finance
Bob Terrian	Fire Department, Sherriff, P&Z
Alan Casey	Roads / Animal Control
Mindy Brady	Parks & Recreation & Historic Preservation

Mayor
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Linda Harrington
Maintenance Supervisor
Barrett Blais
Town Attorney
Norm D Fugate

**TOWN OF YANKEETOWN
SECOND PUBLIC HEARING
ORDINANCE 2026-01
June 2, 2026**

Call to Order

Mayor Laurence Vorisek called the Second Public Hearing for Ordinance 2026-01 to order at 5:48 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Vorisek.

Roll Call

Present: Mayor Laurence Vorisek, Vice Mayor Tim Ecker, Council Member Bob Terrian, Town Administrator Seante M. Gyukeri, Town Attorney Norm D Fugate

Absent: Council Member Alan Casey, Council Member Mindy Brady

A total number of 24 Attendees were present

A quorum was established.

Public Hearing

Mayor Vorisek announced that the purpose of the hearing was to consider **Ordinance 2026-01**, relating to amendments to the Town Comprehensive Plan concerning Floor Area Ratio (FAR). The ordinance title was read into the record.

Mayor Vorisek opened the floor for public comments, questions, or concerns regarding the proposed ordinance. No public comments were offered.

Council discussion noted that concerns raised during the first public hearing had been addressed and that the matter would ultimately require voter approval through referendum.

Motion

Council Member Bob Terrian made a motion to approve Ordinance 2026-01 with the stated changes. Vice Mayor Tim Ecker seconded the motion.

Roll Call Vote

- **Mayor Laurence Vorisek – Yay**
- **Vice Mayor Tim Ecker – Yay**
- **Council Member Bob Terrian – Yay**

Motion carried, Unanimous 3-0.

Adjournment

Mayor Vorisek declared the public hearing closed at **5:52 p.m.**

Respectfully Submitted,

Seante M Gyukeri
Town Administrator

Motion passed unanimously.

COUNCIL REPORTS

Mayor Laurence Vorisek

Provided updates regarding water-related matters and ongoing Town business.

Vice Mayor Tim Ecker

Reported on visitor activity and matters related to the Coast Guard Station.

Council Member Bob Terrian

Provided a fire department report and updates in Inglis.

TOWN ADMINISTRATOR REPORT

Town Administrator Gyukeri reported on:

- Animal Control Monthly Report
- Code Enforcement Monthly Report
- Reminder for Council members to complete Form 1 filings by the end of the month

PUBLIC COMMENT

Resident comments and announcements were received.

ADJOURNMENT

There being no further business, the meeting adjourned at approximately **7:54 PM**.

Respectfully Submitted,

David Weaver

Administrative Assistant / Recording Secretary

Approved by Town Council: _____

Mayor Laurence Vorisek: _____ Date: _____

2026

**INTERLOCAL AGREEMENT
FOR ELECTION SERVICES**

THIS INTERLOCAL AGREEMENT (hereinafter, the "Agreement") is made and entered into this 6th day of October, 2025 by and between the **LEVY COUNTY SUPERVISOR OF ELECTIONS** (hereinafter, the "Supervisor"), an elected constitutional officer, whose address is 421 S Court St, Bronson, Florida, 32621 and the **TOWN OF YANKEETOWN**, a Florida municipality, (hereinafter, the "Town"), whose address is 6241 Harmony Lane, Yankeetown, FL 34498.

WITNESSETH

WHEREAS, it is the intent of the Legislature, pursuant to Chapter 163, Florida Statutes, to encourage public agencies to join together in agreements which will best serve the public interest and promote the most efficient expenditures of public funds through avoiding costly duplication of services; and

WHEREAS, pursuant to State law, the Supervisor is the legal custodian of the Levy County voting equipment and is charged with responsibility for the custody and maintenance of the equipment; and

WHEREAS, the Town desires the Supervisor to provide only such election services as are stated herein, subject to the terms and conditions set forth in this Agreement, for the Towns's Municipal Elections (hereinafter, the "Election"); and

WHEREAS, the parties to this Agreement recognize Chapters 97 through 106, Florida Statutes shall govern the conduct of a municipality's Election in the absence of an applicable special act, charter or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities, pursuant to Section 100.3605, Florida Statutes; and

WHEREAS, the parties intend that any referendum ballot items shall be coordinated between the Town and Supervisor in a timely manner to ensure proper placement on the ballot; and

WHEREAS, the parties desire mapping, scheduling, and other responsibilities related to the conduct of the Election to be completed cooperatively and efficiently as described herein.

IT IS THEREFORE AGREED as follows:

Section One. Recitals Incorporated. The above recitals are true and correct and form a material part of this Agreement upon which the parties have relied.

Section Two. Supervisor's Responsibilities. The Supervisor shall:

1. Schedule legally required advertising with a newspaper of general circulation, excluding the Notice of Election and the 3rd and 5th week referendum advertisements, which shall be the responsibility of the Town. Post all notices on the Supervisor of Elections website. Forward those notices to the Town for them to post on their website.
2. Upon receiving the candidate and referendum ballot-approved information via email, the Supervisor will lay out the ballot, translate the ballot content into the Spanish language, and prepare the proof.
3. Provide the Town Clerk with ballot proofs and upon approval print a ballot test deck, poll worker training, vote-by-mail, and election day ballots.
4. Program the tabulators and test the tabulation and audit system to ensure accuracy of the vote count.
5. Have complete responsibility for printing, handling, distribution and tabulation of ballots.
6. Select and train poll workers in accordance with Section 102.014, Florida Statutes. Coordinate with the Town Clerk for the number of poll workers needed. Arrange for election night personnel support.
7. Select a Canvassing Board of elected officials in Levy County. The canvassing board must consist of 3 canvassing board members and 2 alternate members.
8. Canvassing Board members will be provided with a schedule of meetings and be required to complete a signature verification course provided by the Florida Division of Elections before verifying any signatures. Any election staff involved in verifying signatures will be required to take the same signature verification course. The Supervisor will notify the Town Clerk of the names of the Canvassing Board Members selected.
9. The Canvassing Board meetings shall be convened in a publicly noticed meeting open to the public in accordance with Section 286.011 and Section 102.141 (2), Florida Statutes. All canvassing board meetings, including election night, will be conducted at the Levy County Supervisor of Elections

office located at 421 S Court St, Bronson, Florida. The election shall be conducted, and results shall be tabulated, returned, and canvassed by the Canvassing Board in accordance with general law. The election night unofficial results will be released on the Levy County Supervisor of Elections website beginning at 7:30 p.m. and will continue until complete. The Supervisor shall submit certified election results to the Town Clerk within 24 hours of the official certification.

10. The Supervisor, along with the canvassing board will conduct the public Logic and Accuracy Test in accordance with Florida Statutes at the Levy County Supervisor of Elections Office located at 421 S Court St, Bronson, FL 32621.
11. Notify the Town of the time, date, and place for all public Canvassing Board meetings.
12. Send by certified mail to each political party chair the canvassing board schedule.
13. Provide supplies for the conduct of the election including sufficient voting equipment and supplies for the polling places. Should a change of polling location become necessary, the Supervisor is responsible for mailing "Polling Place Change Notices" to affected voters, the cost of which shall be reimbursable to the Supervisor.
14. Provide precinct registers with alphabetical listing of those electors eligible to vote in the Election. In lieu of paper precinct registers an Electronic Voter Check-In Station (EViD) may be used for voter verification and eligibility. In this case the paper precinct register would still be provided for a back-up copy.
15. Deliver the day before the election and pick up the day following the election all necessary supplies and voting equipment to conduct the election.
16. Certify the name(s) of the poll watcher(s) designated and approved for the voting area as required under Florida Statutes. Provide an identification badge and letter to all approved poll watchers and include a list with the precinct supplies as required by Florida Statutes.
17. Campaign finance questions issued to the Supervisor's office will be answered by the Supervisor, or his or her designee, and written questions and responses will be forwarded to the Town Clerk.
18. Accept all requests for vote-by-mail ballots by telephone, mail, facsimile, email, or in person. The supervisor also agrees to send vote-by-mail and

overseas ballots as requested by registered voters; to receive and securely store any voted vote-by-mail ballots; to verify the signatures on any returned voted vote-by-mail ballot certificates; and to account for all vote-by-mail ballots. The Supervisor will invoice a detailed invoice for all expenses related to the mailing of these ballots, including postage and supplies for mailing.

19. Record this Agreement in the Official Records of Levy County, Florida.

Section Three. Town's Responsibilities. The Town shall:

1. Fully execute and return the Interlocal Agreement to the Supervisor on or before January 1st of every election year.
2. Designate the Town Clerk and Deputy Town Clerk as the Town employees to coordinate with the Supervisor of Elections.
3. The Town Clerk shall publish in a newspaper of general circulation the Notice of Election as outlined in the charter.
4. Notices sent to the Town Clerk by the Supervisor will be published on the Town's website in an area on the website labeled Election Information.
5. The Town shall be responsible for confirming the accuracy of all dates and times and any information contained herein to ensure compliance with the Town Charter and the Florida Statutes.
6. If a referendum is on the ballot, publish in a newspaper of general circulation referendum language the 3rd and 5th weeks, if required.
7. Furnish to the Supervisor on or prior to the first Tuesday in January of every election year, an updated list of ALL addresses within the town limits. This list needs to include all annexations or contractions so as to properly identify all eligible voters. Once the list has been received, the Supervisor will review ALL addresses against our voter registration system. If there are any discrepancies, the Supervisor will provide the discrepancies to the town for review. The Town must review any discrepancies that are found by the Supervisor's office. If a disagreement is found, the Town must provide evidence of the contrary to the Supervisor's office immediately. The Town must agree or reject the Supervisor's findings by email no later than 7 days following delivery of such municipal addresses by the Supervisor.
8. Provide candidate handbooks and necessary materials to candidates. Provide the candidates with written notification of the Canvassing Board schedule during candidate qualifying.

9. The Town Clerk shall act as the sole qualifying officer. All qualifying documents and fees/assessments as prescribed by the Town Charter and Florida Statutes must be submitted prior to the qualifying deadline.
10. Email the Supervisor by the close of business on the last day of qualifying the list of qualified candidates, along with copies of the Candidate Loyalty Oath for each candidate. (DS-DE 302NP) Submit front and back of oath to tammy@votelevy.gov.
11. Email to the Supervisor by close of business on the last day of qualifying all referendum questions. The referendum questions shall be provided to the Supervisor in Microsoft Word format for the preparation of the ballot proof.
12. The Town Clerk shall approve or reject the ballot proof by e-mail to the Supervisor (tammy@votelevy.gov) no later than 48 hours following notification by the Supervisor.
13. Election assessment fees shall be sent to the Florida Elections Commission at 107 West Gaines Street, Suite 224, Tallahassee, Florida 32399 within 30 days after the close of qualifying per Florida Statutes 99.093.
14. Receive candidate treasure reports and ensure they are filed in a timely manner. If the candidate is late filing their campaign treasurer report the Town Clerk must submit a late notice to the candidate and collect fines per Florida Statutes.
15. The Town Clerk shall arrange for the use of a polling location on Election Day, and is responsible for site agreements, if necessary. The Town Clerk shall assist in locating and securing an emergency alternative polling location, should the Inglis Community Center (137 Highway 40 West) become unavailable and reimburse the Supervisor the cost of printing and posting such notice of relocation.
16. The Town may not accept any requests for vote-by-mail ballots. The Town may not accept any voted vote-by-mail ballots. The Town Clerk must direct the voter to the Levy County Supervisor of Elections office for assistance. All vote-by-mail ballots must be mailed or returned in person at the Levy County Supervisor of Elections office located at 421 S Court St, Bronson, Florida. All vote-by-mail ballots must be received at the Levy County Supervisor of Elections office by 7:00 p.m. election night. The polling place may not accept any returned vote-by-mail ballots.

17. Once election supplies are delivered back to the Town Clerk within 10 days of the election the Town Clerk shall keep the election records for 22 months in accordance with the General Records Schedule GS3.
18. Compensate poll workers for the time they spend training and working on Election Day. The Supervisor will share with the Town Clerk the current pay rate set by Levy County Supervisor of Elections.
19. Pay the balance of all actual costs or obligations of election services to the Supervisor of Elections within thirty (30) days of receiving an itemized invoice from the Supervisor of Elections.
20. Pay costs involved to repair any equipment damaged during the Town Election, including shipping, to the extent not covered and paid by any insurance.

Section Four. Miscellaneous Provisions.

1. The parties understand and agree that the Election shall not have an early voting period.
2. Each party, to extent permitted by Section 768.28, Florida Statutes, agrees to indemnify and hold harmless the other party, its officers, agents and employees, from and against any and all claims, damages, injuries, losses and expenses, including reasonable attorney's fees, arising out of or relating to that party's actions or omissions arising out of this Agreement and the actions or omissions of the party's officers, agents and employees; provided, however, that neither party waives sovereign immunity hereby as to third parties.
3. The terms of this Agreement cannot be altered without the prior written consent of both parties.
4. The Agreement shall become effective upon recordation in the Official Records of Levy County and shall end on June 1, 2026, and may be extended annually by written acknowledgement signed by both parties but shall terminate at such time that Tammy Jones is no longer Levy County Supervisor of Elections. This Agreement shall be made a part of the Town Commission minutes.

IN WITNESS WHEREOF, the parties hereto have agreed and set their hands as of the date set forth below.

APPROVED:


(SIGNATURE)

LAURENCE VORISEK
MAYOR
TOWN OF YANKEETOWN, FLORIDA

DATED: 10/27/25

APPROVED:


(SIGNATURE)

TAMMY JONES
SUPERVISOR OF ELECTIONS
LEVY COUNTY, FLORIDA

DATED: 10/30/2025

WITNESSED:


(SIGNATURE)

SEANTE GYUKERI
TOWN CLERK
TOWN OF YANKEETOWN, FLORIDA

DATED: 10/27/25

WITNESSED:


(SIGNATURE)

JORDAN LINDSEY
ASST. SUPERVISOR OF ELECTIONS
LEVY COUNTY, FLORIDA

DATED: 10/30/25

TOWN OF YANKEETOWN

2027 INTERLOCAL MUNICIPAL ELECTION AGREEMENT RENEWAL

This agreement made and entered into this ____ day of _____ 2026, by and between TAMMY JONES, SUPERVISOR OF ELECTIONS OF LEVY COUNTY, FLORIDA, a constitutional officer of the State of Florida, and the TOWN OF YANKEETOWN, FLORIDA, a Florida municipal corporation.

ARTICLE I. PURPOSE

The purpose of this Agreement is to provide for the administration of the Municipal Election to be held on the 6th day of April 2027, for the purpose of electing municipal elected officers and any referendums that the board approves for voter approval. The parties have determined it to be in their best interest and that of the public that the duties and responsibilities of each party concerning this election are agreed upon and set forth in a formal agreement.

ARTICLE II. DATE OF ELECTION

The Election shall be held and conducted on Tuesday, April 6, 2027.

ARTICLE III. ELECTION COST

Per Florida States 101.002 (2) the municipality shall reimburse the county for the actual costs incurred. The city shall pay the balance within thirty (30) days of receiving an itemized invoice from the Supervisor of Elections.

ARTICLE IV. AGREEMENT EXTENSION

This is acknowledgement that the 2026 Interlocal Municipal Election Agreement approved on October 27, 2025 has been reestablished to accommodate the April 6, 2027, election and shall end on June 1, 2027.

IN WITNESS WHEREOF, the parties hereto have agreed and set their hands as of the date set forth below.

APPROVED:

(Signature)

LAURENCE VORISEK
MAYOR
TOWN OF YANKEETOWN, FLORIDA

DATED: _____

APPROVED:

(Signature)

TAMMY JONES
SUPERVISOR OF ELECTIONS
LEVY COUNTY, FLORIDA

DATED: _____

WITNESSED

(Signature)

SEANTE GYUKERI
TOWN CLERK
TOWN OF YANKEETOWN, FLORIDA

DATED: _____

WITNESSED:

(Signature)

JORDAN LINDSEY
ASST. SUPERVISOR OF ELECTIONS
LEVY COUNTY, FLORIDA

DATED: _____

ORDINANCE NO. ____

AN ORDINANCE BY THE YANKEETOWN TOWN COUNCIL AMENDING THE YANKEETOWN CODE OF ORDINANCES TO AMEND CHAPTER 12, FLOODPLAIN MANAGEMENT, TO AMEND CRITERIA FOR MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, 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 Town of Yankeetown participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements, achieving a CRS rating of Class 6; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better and to satisfy the prerequisite and for the Town of Yankeetown to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated such that the lowest floors are at or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the Town Council determined that it is in the public interest to amend the floodplain management regulations to better protect owners and occupants of manufactured homes and to continue participating in the Community Rating System at the current class rating; and

WHEREAS, Chapter 553, Florida Statutes, allows for local administrative and technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

WHEREAS, the Town Council is amending a previously adopted local amendment to require accumulation of costs of improvements and repairs for buildings and structures in flood hazard areas for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the Town Council has determined that it is in the public interest to adopt the proposed local technical amendments to the *Florida Building Code*, and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 553.73(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Yankeetown that Chapter 12 is amended as set forth in the following amendments, as shown in ~~strike through~~ and underline format in Section 1.

SECTION 1. AMENDMENTS.

SEE BELOW FOR FULL DOWNLOAD OF CHAPTER 12 – YOU’LL DECIDE WHETHER TO INSERT SECTIONS AMENDED OR REFER TO EXHIBIT

SECTION 2. APPLICABILITY.

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

SECTION 3. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the Town Council that the provisions of this ordinance shall become and be made a part of the Town of Yankeetown 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 4. 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 5. EFFECTIVE DATE.

This ordinance shall take effect on {insert date}.

Use your community's standard signature block

Chapter 12 FLOODPLAIN MANAGEMENT

ARTICLE I. IN GENERAL

Sec. 12-1. Scope.

The provisions of this chapter 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 state 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.

(Code 2015, ch. 9, § 101.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-2. Intent.

The purposes of this chapter and the flood load and flood-resistant construction requirements of the state 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 CFR 59.22.

(Code 2015, ch. 9, § 101.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-3. Coordination with the state building code.

This chapter is intended to be administered and enforced in conjunction with the state building code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the state building code.

(Code 2015, ch. 9, § 101.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-4. Warning.

The degree of flood protection required by this chapter and the state 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 manmade or natural causes. This chapter 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 CFR 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 chapter.

(Code 2015, ch. 9, § 101.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-5. Disclaimer of liability.

This chapter shall not create liability on the part of the town or by any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

(Code 2015, ch. 9, § 101.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-6. Scope.

Unless otherwise expressly stated, the following floodplain management words and terms shall, for the purposes of this chapter, have the meanings shown in this article.

(Code 2015, ch. 9, § 201.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-7. Terms defined in the state building code.

Where terms are not defined in this chapter and are defined in the state building code, such terms shall have the meanings ascribed to them in that code.

(Code 2015, ch. 9, § 201.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-8. Terms not defined.

Where terms are not defined in this chapter or the state building code, such terms shall have ordinarily accepted meanings such as the context implies.

(Code 2015, ch. 9, § 201.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-9. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Alteration of a watercourse means 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 means a request for a review of the floodplain administrator's interpretation of any provision of this article.

ASCE 24 means a standard titled Flood-resistant Design and Construction that is referenced by the state building code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood means a flood having a one percent chance of being equaled or exceeded in any given year. (Also defined in FBC, B, section 1612.2.) The term "base flood" is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation means 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 means the portion of a building having its floor subgrade (below ground level) on all sides. (Also defined in FBC, B, section 1612.2.)

~~*Coastal construction control line* means the line established by the state pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.~~

Coastal high hazard area means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on flood insurance rate maps (FIRM) as Zone V1-V30, VE, or V.

Design flood means the flood associated with the greater of the following two areas:

- (1) Area with a floodplain subject to a one 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.

(Also defined in FBC, B, section 1612.2.)

Design flood elevation means the elevation of the design flood, including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. (Also defined in FBC, B, section 1612.2.)

Development means any manmade 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 means 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 means any buildings and structures for which the start of construction commenced before August 20, 1971. (Also defined in FBC, B, section 1612.2.)

~~*Existing manufactured home park or subdivision* means 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 August 20, 1971.~~

~~*Expansion to an existing manufactured home park or subdivision* means 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) means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land from:

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

(Also defined in FBC, B, section 1612.2.)

Flood damage resistant materials means 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 means the greater of the following two areas:

- (1) The area within a floodplain subject to a one 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.

(Also defined in FBC, B, section 1612.2.)

Flood insurance rate map (FIRM) means 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) means 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 means the office or position designated and charged with the administration and enforcement of this chapter (may be referred to as the floodplain manager).

Floodplain development permit or approval means 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 chapter.

~~*Floodway* means 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 foot. (Also defined in FBC, B, section 1612.2.)~~

~~*Floodway encroachment analysis* means 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 state-licensed engineer using standard engineering methods and models.~~

Florida building code means 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 and all other codes adopted as part of the Florida Building Code.

Functionally-dependent use means 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 "functionally-dependent use" does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Letter of map change (LOMC) means 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 the following:

(1) *Conditional letter of map revision (CLOMR)* means 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.

(2) *Letter of map amendment (LOMA)* means 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.

(3) *Letter of map revision (LOMR)* means 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.

(4) *Letter of map revision based on fill (LOMR-F)* means 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.

Light-duty truck, as defined in 40 CFR 86.082-2, means 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;
- (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 means 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 state building code or ASCE 24. (Also defined in FBC, B, section 1612.2.)

Manufactured home means a structure, transportable in one or more sections, which is eight feet or more in width and greater than 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 F.A.C. 15C-1.0101)

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means 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 chapter, the term "market value" 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 determined by the property appraiser divided by 0.80 to approximate market value. of a building or structure means the price a willing buyer and seller would agree upon with regard to the same. Market value is one of the following:

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- (1) The Actual Cash Value (in-kind replacement cost of such building or structure depreciated for age, wear and tear, neglect and quality of construction) determined by an independent professional who is qualified to prepare appraisal reports.
 - (2) The market value of the parcel, including all improvements thereto, upon which the building or structure is located less the market value of the land and improvements located on such parcel other than the building or structure being valued, as determined by a qualified independent appraiser.
 - (3) The property tax value of the building or structure, excluding the value of land and other improvements on the parcel, used for tax assessment purposes and adjusted by a factor provided by the county property appraiser.
 - (4) Qualified estimates based on the professional judgment of a qualified local official.

INSERT OUR STANDARD DEFINITION AMENDMENTS WHICH WAS THE STARTING POINT FOR DISCUSSION WITH Mr. Haines:

Market value means 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 chapter, the term "market value" 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, is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted by a factor provided by the county determined by the property appraiser divided by 0.80 to approximate market value.

New construction, for the purposes of administration of this chapter and the flood-resistant construction requirements of the state building code, structures for which the start of construction commenced on or after August 20, 1971, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means 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 August 20, 1971.

Park trailer means a transportable unit which has a body width not exceeding 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 F.S. § 320.01).

Recreational vehicle means a vehicle, including a park trailer, which is:

- (1) Built on a single chassis;
- (2) 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.

(Defined in F.S. § 320.01.)

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area means an area in the floodplain subject to a one 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 means the date of issuance of permits for new construction and substantial improvements, 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, and/or 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 means 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 means any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure ~~taking place during a one-year period~~, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. ~~The one-year period begins on the date of first improvement or repair subsequent to October 15, 2012 the effective date of the ordinance from which this section is derived.~~ If the structure has incurred substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

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

(Also defined in FBC, B, section 1612.2.)

Variance means a grant of relief from the requirements of this chapter, or the flood-resistant construction requirements of the state building code, which permits construction in a manner that would not otherwise be permitted by this chapter or the state building code.

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

(Code 2015, ch. 9, § 202; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Secs. 12-10—12-36. Reserved.

ARTICLE II. APPLICABILITY

Sec. 12-37. Conflict between general and specific requirements.

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

(Code 2015, ch. 9, § 102.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-38. Areas to which this article applies.

This article shall apply to all flood hazard areas within the town, as established in section 12-39.

(Code 2015, ch. 9, § 102.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-39. Basis for establishing flood hazard areas.

The flood insurance study for the county and incorporated areas dated January 18, 2019, 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 article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the town hall.

(Code 2015, ch. 9, § 102.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-40. Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to article V of this chapter, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a state-licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the state building code.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

(Code 2015, ch. 9, § 102.3.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-41. Other laws.

The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

(Code 2015, ch. 9, § 102.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-42. Abrogation and greater restrictions.

This article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances, including, but not limited to, land development regulations, zoning ordinances, stormwater management regulations, or the state building code. In the event of a conflict between this article and any other ordinance, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.

(Code 2015, ch. 9, § 102.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-43. Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.
(Code 2015, ch. 9, § 102.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-44—12-74. Reserved.

ARTICLE III. DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

Sec. 12-75. Designation.

The zoning official/building inspector is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(Code 2015, ch. 9, § 103.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-76. General administration and enforcement.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this article. The floodplain administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to article VII of this chapter.

(Code 2015, ch. 9, § 103.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-77. Applications and permits.

The floodplain administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the state building code, including buildings, structures and facilities exempt from the state building code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the building official to ensure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.

(Code 2015, ch. 9, § 103.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-78. Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value, prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. ~~The determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of the term "substantial improvement"; 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 state building code and this article is required.

(Code 2015, ch. 9, § 103.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-79. Modifications of the strict application of the requirements of the state 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 state building code to determine whether such requests require the granting of a variance pursuant to article VII of this chapter.

(Code 2015, ch. 9, § 103.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-80. Notices and orders.

The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

(Code 2015, ch. 9, § 103.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-81. Inspections.

The floodplain administrator shall make the required inspections as specified in article VI of this chapter for development that is not subject to the state building code, including buildings, structures and facilities exempt from the state building code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(Code 2015, ch. 9, § 103.7; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-82. Other duties of the floodplain administrator.

The floodplain administrator shall have other duties, including, but not limited to, the following:

- (1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 12-78;
- ~~(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the state division of emergency management, state floodplain management office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);~~
- ~~(2)~~ (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, or flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;
- ~~(3)~~ (4) Review required design certifications and documentation of elevations specified by this article and the state building code to determine that such certifications and documentations are complete;
- ~~(4)~~ (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the town are modified; and
- ~~(5)~~ (6) Advise applicants for new buildings and structures, including substantial improvements, which are located in any unit of the coastal barrier resources system established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

(Code 2015, ch. 9, § 103.8; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-83. Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood-resistant construction requirements of the state building code, including flood insurance rate maps; letters of map 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 state building code and this article; ~~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 article and the flood-resistant construction requirements of the state building code. These records shall be available for public inspection at town hall.

(Code 2015, ch. 9, § 103.9; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Secs. 12-84—12-109. Reserved.

ARTICLE IV. PERMITS

Sec. 12-110. Required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the state 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 and approval. No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

(Code 2015, ch. 9, § 104.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-111. Floodplain development permits or approvals.

Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the state building code, including buildings, structures and facilities exempt from the state 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.

(Code 2015, ch. 9, § 104.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-112. Buildings, structures and facilities exempt from the state building code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the state building code and any further exemptions provided by law, which are subject to the requirements of this article:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
- (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 F.S. § 366.02, 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 subsection, 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 onsite or preassembled and delivered onsite 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 F.S. § 553.73(10)(k) are not exempt from the state building code if such structures are located in flood hazard areas established on flood insurance rate maps.

(Code 2015, ch. 9, § 104.2.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-113. 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.

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- (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 article V of this chapter.
 - (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.

(Code 2015, ch. 9, § 104.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-114. Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the state 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.

(Code 2015, ch. 9, § 104.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-115. 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.

(Code 2015, ch. 9, § 104.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-116. Suspension or revocation.

The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of this community.

(Code 2015, ch. 9, § 104.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-117. 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; F.S. § 373.036.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and F.A.C. ch. 64E-6.
- ~~(3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.~~
- (3) (4) Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.

~~(4) (5)~~ 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, 44 CFR 1344.

~~(5) (6)~~ Federal permits and approvals.

(Code 2015, ch. 9, § 104.7; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Secs. 12-118—12-147. Reserved.

ARTICLE V. SITE PLANS AND CONSTRUCTION DOCUMENTS

Sec. 12-148. Information for development in flood hazard areas.

(a) The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, ~~floodway boundaries~~ and flood zone, base flood elevation, 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 12-149(2) or (3).
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five 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 12-149(1).
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
- (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) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.~~

~~(7) (8)~~ Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the state department of environmental protection.

~~(9) Existing and proposed alignment of any proposed alteration of a watercourse.~~

~~(8) (10)~~ Evidence that the interior portion of any enclosed area below the lowest floor of an elevated building is not partitioned into separated rooms and that the access to the enclosed area is the minimum necessary to allow for the limited uses.

~~(9) (11)~~ Any other information as may be required by the floodplain administrator.

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

(Code 2015, ch. 9, § 105.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-149. 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 available, the data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is three 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 three 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 state-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.

(Code 2015, ch. 9, § 105.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-150. 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 state-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 12-151 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 demonstrates 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 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 12-151.

(1) (4) —For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), the applicant shall have an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage signed and sealed by a Florida-licensed engineer for submission with the site plan and construction documents.-

(2) (5) Any other information as may be required by the floodplain administrator.

(Code 2015, ch. 9, § 105.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-151. 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 state-licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Code 2015, ch. 9, § 105.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-152—12-170. Reserved.

ARTICLE VI. INSPECTIONS

Sec. 12-171. General requirement.

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

(Code 2015, ch. 9, § 106.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-172. Development other than buildings and structures.

The floodplain administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(Code 2015, ch. 9, § 106.1.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-173. Buildings, structures and facilities exempt from the state building code.

The floodplain administrator shall inspect buildings, structures and facilities exempt from the state building code to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(Code 2015, ch. 9, § 106.1.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-174. Buildings, structures and facilities exempt from the state building code, lowest floor inspection.

Within 21 calendar days of placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the state building code, or the owner's authorized agent, shall submit to the floodplain administrator:

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- (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 state-licensed professional surveyor; or
 - (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 12-149(3)b, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(Code 2015, ch. 9, § 106.1.2.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-175. Buildings, structures and facilities exempt from the state 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 12-174.

(Code 2015, ch. 9, § 106.1.2.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-176. 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 article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator or building official.

(Code 2015, ch. 9, § 106.1.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-177—12-205. Reserved.

ARTICLE VII. VARIANCES AND APPEALS

Sec. 12-206. Authority to hear appeals, request variances.

The board of adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), the 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 state building code. This section does not apply to section 3109 of the Florida Building Code, Building.

(Code 2015, ch. 9, § 107.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-207. Appeals procedure.

The 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 article. Any person aggrieved by the decision of board of adjustment may appeal such decision to the circuit court, as provided by state statutes.

(Code 2015, ch. 9, § 107.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-208. Limitations on authority to grant variances.

The board of adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 12-212, the conditions of issuance set forth in section 12-213, and the comments and recommendations of the floodplain administrator and the building official. The board of adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

(Code 2015, ch. 9, § 107.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-209. Reserved 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 12-150.~~

(Code 2015, ch. 9, § 107.3.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-210. Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of an historic building that is determined eligible for the exception to the flood-resistant construction requirements of the state building code, existing building, chapter ~~11~~ 12, historic buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as an 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 an 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 state building code.

(Code 2015, ch. 9, § 107.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-211. Functionally-dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally-dependent use, as defined in this article, provided the variance ~~meets the requirements of section 12-209~~, 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.

(Code 2015, ch. 9, § 107.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-212. Considerations for issuance of variances.

In reviewing requests for variances, the board of adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the state building code, this article, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;

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- (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.

(Code 2015, ch. 9, § 107.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-213. Conditions for issuance of variances.

Variances shall be issued only upon:

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;
- (2) Determination by the board of 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 \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Code 2015, ch. 9, § 107.7; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-214—12-234. Reserved.

ARTICLE VIII. VIOLATIONS

Sec. 12-235. Enforcement; penalties.

Any development that is not within the scope of the state building code, but that is regulated by this article, that is performed without an issued permit, that is in conflict with an issued permit including any conditions of approval, or that does not fully comply with this article, shall be deemed a violation of this article. A building or

structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the state building code is presumed to be a violation until such time as that documentation is provided. In addition to any other allowable penalties or procedures allowed by state or local law for enforcement of violations of this article, violations of this article may be punishable as a non-criminal violation, subject to a fine of up to \$500.00 for each violation, for each day the violation continues, and subject to payment of all costs and expenses incurred by the county in prosecution and administration of the case. Each day any violation continues shall be considered a separate offense. Nothing herein shall prevent the floodplain administrator or other county official from issuing a stop-work order until any violation is remedied or taking such other lawful actions as are necessary to prevent, prosecute, or remedy any violation.

(Code 2015, ch. 9, § 108.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-236. Authority.

For development that is not within the scope of the state 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 performing the work.

(Code 2015, ch. 9, § 108.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-237. 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.

(Code 2015, ch. 9, § 108.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-238—12-267. Reserved.

ARTICLE IX. FLOOD-RESISTANT DEVELOPMENT

Sec. 12-268. Design and construction of buildings, structures and facilities exempt from the state building code.

Pursuant to section 12-112, buildings, structures, and facilities that are exempt from the state 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 state building code that are not walled and roofed buildings shall comply with the requirements of article XV of this chapter.

(Code 2015, ch. 9, § 301.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-269. ~~Reserved Buildings and structures seaward of the coastal construction control line.~~

~~If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:~~

- ~~(1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the state building code, building section 3109 and section 1612, or state building code, residential section R322.~~

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- ~~(2) Minor structures and nonhabitable major structures, as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this article and ASCE 24.~~

(Code 2015, ch. 9, § 301.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

~~Sec. 12-270.— Florida Building Code, local technical amendment.~~

~~In the Florida Building Code, Building, and Florida Building Code, Existing Building, definitions for the term "Substantial Improvement" shall be as defined in Section 12-9 Definitions.~~

Secs. 12-270—12-286. Reserved.

ARTICLE X. SUBDIVISIONS

Sec. 12-287. 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.

(Code 2015, ch. 9, § 302.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-288. 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 five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 12-149(1); and
- (3) Compliance with the site improvement and utilities requirements of article XI of this chapter.

(Code 2015, ch. 9, § 302.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Secs. 12-289—12-309. Reserved.

ARTICLE XI. SITE IMPROVEMENTS, UTILITIES, AND LIMITATIONS

Sec. 12-310. 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;

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- (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.

(Code 2015, ch. 9, § 303.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-311. 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 on-site sewage treatment and disposal systems in F.A.C. ch. 64E-6 and ASCE 24 chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.

(Code 2015, ch. 9, § 303.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-312. Water supply facilities.

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in F.A.C. 62-532.500 and ASCE 24 chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(Code 2015, ch. 9, § 303.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-313. Reserved 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 12-150(1) demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(Code 2015, ch. 9, § 303.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-314. Limitations on placement of fill.

Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the state building code.

(Code 2015, ch. 9, § 303.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-315. Limitations on sites in coastal high hazard areas (Zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the state department of environmental protection and only if the engineering analysis required by section 12-150(1) 12-150(4) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with subsection 12-423(3) 12-427(3).

(Code 2015, ch. 9, § 303.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Secs. 12-316—12-333. Reserved.

ARTICLE XII. MANUFACTURED HOMES

Sec. 12-334. General compliance and installation requirements.

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249 and shall comply with the requirements of F.A.C. ch. 15C-1 and this article. ~~If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.~~

(Code 2015, ch. 9, § 304.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-335. Limitation on new installations in flood hazard areas.

New installations of manufactured homes shall not be permitted ~~in floodways and~~ in coastal high hazard areas (Zone V).

(Code 2015, ch. 9, § 304.1.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-336. Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- (1) In flood hazards areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the state building code, residential section R322.2 and this article.
- (2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the state building code, residential section R322.3 and this article. ~~Foundations for manufactured homes subject to section 12-340 are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

(Code 2015, ch. 9, § 304.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-337. 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.

(Code 2015, ch. 9, § 304.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-338. Elevation.

~~All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas 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) or R322.3 (Zone V and Coastal A Zone). Manufactured homes that are placed, replaced, or substantially improved shall comply with section 12-339 or 12-340, as applicable.~~

(Code 2015, ch. 9, § 304.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-339. General elevation requirement.

Unless subject to the requirements of section 12-340, all manufactured homes that are placed, replaced, or substantially improved on sites located outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or 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 state building code, residential section R322.2 (Zone A) or section R322.3 (Zone V).

(Code 2015, ch. 9, § 304.4.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-340. Elevation requirement for certain existing manufactured home parks and subdivisions.

Manufactured homes that are not subject to section 12-339, 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, as applicable to the flood hazard area, in the state building code, Residential section R322.2 (Zone A) or section R322.3 (Zone V); 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.

(Code 2015, ch. 9, § 304.4.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-341 Sec. 12-339. Enclosures.

Enclosed areas below elevated manufactured homes shall comply with the requirements of the state building code, residential section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

(Code 2015, ch. 9, § 304.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. 12-342 Sec. 12-340. 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 state building code, Residential Section R322, as applicable to the flood hazard area.

(Code 2015, ch. 9, § 304.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-343—12-372. Reserved.

ARTICLE XIII. RECREATIONAL VEHICLES AND PARK TRAILERS

Sec. 12-373. 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.

(Code 2015, ch. 9, § 305.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-374. Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in section 12-373 for temporary placement shall meet the requirements of article XII of this chapter for manufactured homes.

(Code 2015, ch. 9, § 305.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-375—12-391. Reserved.

ARTICLE XIV. TANKS

Sec. 12-392. 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.

(Code 2015, ch. 9, § 306.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-393. Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of section 12-394 shall:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high 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.
- (2) Not be permitted in coastal high hazard areas (Zone V).

(Code 2015, ch. 9, § 306.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-394. 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.

(Code 2015, ch. 9, § 306.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-395. 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.

(Code 2015, ch. 9, § 306.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-396—12-418. Reserved.

ARTICLE XV. OTHER DEVELOPMENT

Sec. 12-419. General requirements.

All development, including manmade changes, to improved or unimproved real estate for which specific provisions are not specified in this article or the state building code, shall:

- (1) Be located and constructed to minimize flood damage;
- ~~(2) Meet the limitations of section 12-313 if located in a regulated floodway;~~
- ~~(2) (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;
- ~~(3) (4)~~ Be constructed of flood damage resistant materials; and
- ~~(4) (5)~~ Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, 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.

(Code 2015, ch. 9, § 307.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

~~Sec. 12-420. 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 12-313.~~

(Code 2015, ch. 9, § 307.2; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

~~Sec. 12-421. 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 12-313.~~

(Code 2015, ch. 9, § 307.3; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

~~Sec. 12-422. 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 12-313. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 12-150(3).~~

(Code 2015, ch. 9, § 307.4; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. ~~12-420~~ 12-423. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to:

- (1) Be structurally independent of the foundation system of the building or structure;

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- (2) Be frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 - (3) Have a maximum slab thickness of not more than four inches.

(Code 2015, ch. 9, § 307.5; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. ~~12-421~~ ~~12-424~~. Decks and patios in coastal high hazard areas (Zone V).

In addition to the requirements of the state building code, in coastal high hazard areas, decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(Code 2015, ch. 9, § 307.6; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. ~~12-425~~. Accessory structures in coastal high hazard areas (Zone V).

~~Detached accessory structures that are 150 square feet or less in area are permitted below the base flood elevation provided the structures comply with section 12-419.~~

(Code 2015, ch. 9, § 307.6.1; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. ~~12-422~~ ~~12-426~~. Other development in coastal high hazard areas (Zone V).

In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include, but are not limited to the following:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

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- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
 - (3) On-site sewage treatment and disposal systems defined in 64E-6.002, FAC, as filled systems or mound systems.

(Code 2015, ch. 9, § 307.7; Ord. No. 2012-03, § entirely replaced, 10-15-2012; Ord. No. 2018-06, § 2, 9-24-2018)

Sec. ~~12-423~~ 12-427. Nonstructural fill in coastal high hazard areas (Zone V).

In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runoff and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the state department of environmental protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runoff and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

(Code 2015, ch. 9, § 307.8; Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Secs. 12-428—12-452. Reserved.

**ARTICLE XVI. ~~RESERVED.~~ ADMINISTRATIVE AMENDMENTS TO FLORIDA
BUILDING CODE**

Sec. 12-453. Adoption of amendments.

~~This Code is hereby amended by the following administrative amendments to the state building code, building chapter 1 that are required for consistency with the NFIP and technical amendments to the state building code to adopt certain higher standards for the purpose of qualifying for participating in the NFIP's community rating system, pursuant to F.S. § 553.73(5).~~

- ~~(1) Adopt a new local administrative amendment to state building code, building section 104.10.1 as follows:~~

~~104.10.1 Modifications of the strict application of the requirements of the state building code. The building official shall coordinate with the floodplain administrator to review requests submitted to the building official that seek approval to modify the strict application of the flood-resistant construction requirements of the state building code to determine whether such requests require the granting of a variance pursuant to section 117.~~

- ~~(2) Adopt a new local administrative amendment to state building code, building section 107.6.1 as follows:~~

107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR sections 59 and 60), the authority granted to the building official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to 105.14 and section 107.6, shall not extend to the flood load and flood resistance construction requirements of the state building code.

(3) Adopt a new local administrative amendment to state building code, building section 117 as follows:

Article XVII. Variances in Flood Hazard Areas.

117.1 Flood hazard areas. Pursuant to F.S. § 553.73(5), the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the building official for variances to the provisions of section 1612.4 of the state building code, Building or, as applicable, the provisions of R322 of the state building code, Residential. This section shall not apply to section 3109 of the state building code, Building.

(4) Adopt a new local technical administrative amendment to state building code, residential section 322.2.1 as follows.

(Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-454. State building code, residential.

Modify section R322.2.1 as follows:

R322.2.1 Elevation requirements. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

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

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

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

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of section R322.2.2.

Adopt a new local technical amendment to state building code, residential section 322.3.2 as follows.

(Ord. No. 2012-03, § entirely replaced, 10-15-2012)

Sec. 12-455. State building code, residential (cont.).

Modify section R322.3.2 as follows:

R322.3.2 Elevation requirements. All buildings and structures erected within coastal high hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is:

Located at or above the base flood elevation plus one foot or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach; or

Located at the base flood elevation plus two feet, or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.

Basement floors that are below grade on all sides are prohibited.

The use of fill for structural support is prohibited.

Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of sections R322.3.4 and R322.3.5.

(1) Adopt a new local technical administrative amendment to state building code, building section 1612.2 as follows:

Substantial improvement.

Any combination of repair (excluding general routine maintenance), reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. The five-year period begins on the date of first improvement or repair subsequent to the effective date of the ordinance from which this section is derived. If the structure has incurred substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

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 ensure safe living conditions.

Any alteration of an historic structure, provided the alteration will not preclude the structure's continued designation as an historic structure.

(Also defined in FBC, B, section 1612.2.)

(2) Adopt a new local technical administrative amendment to state building code, existing building section 202 as follows:

Substantial improvement.

Any combination of repair (excluding general routine maintenance), reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. The five-year period begins on the date of first improvement or repair subsequent to the effective date of the ordinance from which this section is derived. If the structure has incurred substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

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 ensure safe living conditions.

Any alteration of an historic structure, provided the alteration will not preclude the structure's continued designation as an historic structure.

(Also defined in FBC, B, section 1612.2.)

(Ord. No. 2012-03, § entirely replaced, 10-15-2012)

INGLIS FIRE RESCUE

INCIDENT REPORTING - YANKEETOWN

MONTH : APRIL 2026

	<u># OF INCIDENTS</u>
INSIDE TOWN LIMITS:	6
MUTUAL AID	0
RECEIVED	0
GIVEN	0

STRUCTURE FIRES	0
BRUSH FIRES	0
VEHICLE FIRES	0
VEHICLE ACCIDENTS	2
RESCUE/MEDICAL ASSIST	3
HAZARDOUS CONDITIONS	1
OTHER	0
TRAINING	0
TOTAL INCIDENTS	6

TRAINING NOT COUNTED AS INCIDENT

REPORT BY: Steadman McLean, Chief

Monthly Report Yankeetown

Date	Reason	Outcome	Phone Number
6-25-2025	Drove around looking for violations in the area	No Violations were found	NONE
6-29-26	Caller stated a brown pitbull was running at large in Elenor oaks park	The animal control officer followed up and did not find any loose dogs in the area	941-355-7669