



# BOARD OF COUNTY COMMISSIONERS

THE KEYSTONE COUNTY-ESTABLISHED 1827

435 W. Walnut St., Monticello, Florida 32344

**Benjamin "Benny"  
Bishop**  
District 1

**John Nelson, Sr.**  
District 2

**Hines F. Boyd**  
District 3

**Betsy Barfield**  
District 4

**Stephen Walker**  
District 5

**Regular Session Agenda  
November 5, 2013 at the Courthouse Annex  
435 W. Walnut St. Monticello, FL 32344**

1. **9:00 A.M. – Call to Order, Invocation, Pledge of Allegiance**
2. **Public Announcements, Presentations, & Awards**
  - a) **State of the Agency/Capital Area Community Action Agency – Exec. Dir. Tim Center**
3. **Consent Agenda**
  - a) **Approval of Agenda**
  - b) **Declaration of Restrictive Covenant from FDOT**
4. **Citizens Request & Input on Non-Agenda Items (3 Minute Limit, No Commissioner Discussion)**
5. **General Business**
  - a) **Christmas Holiday Selection/Christmas Gift Certificates – Kirk Reams/Parrish Barwick**
  - b) **FY 2012-2013 Clean-up Budget Amendments – Kirk Reams**
  - c) **Redistricting Map Selection – Commissioners**
  - d) **Tax Collector Attorney Fee Payment Request – Hon. Lois Howell-Hunter**
6. **PUBLIC HEARING: (10 AM) – FIRST READING OF ORDINANCE NO. 2013-111913-01  
FLOODPLAIN MANAGEMENT**
7. **County Coordinator's Report**
  - a) **SHIP/LHAP Demolition/Replacement Strategy Addendum – Parrish Barwick**
8. **Citizen's Forum (3 Minute Limit, Commissioner Discussion Allowed)**
9. **Commissioner Discussion Items**
10. **Adjourn**

From the manual "Government in the Sunshine", page 40:

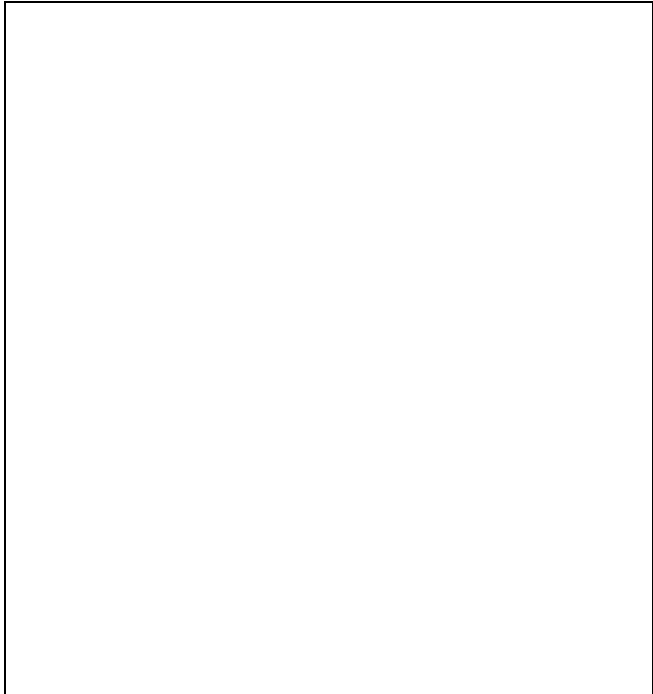
Paragraph C. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**Kirk Reams**  
Clerk of Courts

**Parrish Barwick**  
County Coordinator

**Bird & Sparkman, P.A.**  
County Attorney  
Page 1 of 61

## **ITEM 3: CONSENT AGENDA MATERIALS**



This instrument prepared by:

Craig Cowdery  
WRS Infrastructure & Environment, Inc.  
508 Capital Circle SE, Suite A  
Tallahassee, Florida 32301

### DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (hereinafter "Declaration") is made this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by Jefferson County (hereinafter GRANTOR) and the Florida Department of Environmental Protection (hereinafter "FDEP").

#### RECITALS

A. GRANTOR is the fee simple owner of that certain real property situated in the County of Jefferson, State of Florida, more particularly described in Exhibit "A" attached hereto and made a part thereof (hereinafter the "Property")

B. *The FDEP Facility Identification Number for the Property is 338518810.* The facility name at the time of this Declaration is Former FDOT Monticello Maintenance Yard.

C. The discharge of, *petroleum products* on the Property is documented in the following reports that are incorporated by reference

1. Eleventh Quarter Groundwater Monitoring Report, Former Monticello Maintenance Yard dated April 16, 2008, submitted by WRS Infrastructure & Environment, Inc.; and
2. Ninth Quarter Groundwater Monitoring Report, Former Monticello Maintenance Yard dated November 26, 2007, submitted by WRS Infrastructure & Environment, Inc.

D. The reports noted in Recital C set forth the nature and extent of the contamination on the Property. These reports confirm that contaminated *groundwater* as defined by Chapter 62-770 and 62-777, Florida Administrative Code, exists on the Property. Also, these reports document that the groundwater contamination does not extend off the Property, that the extent of the groundwater contamination does not exceed 1/4 acre and the groundwater contamination is not migrating.

E. It is the intent of the restrictions in this declaration to reduce or eliminate the risk of exposure of the contaminants to the environment and to users or occupants of the Property and to reduce or eliminate the threat of migration of the contaminants.

F. The FDEP has agreed to issue a Site Rehabilitation Completion Order with Conditions (hereinafter "Order") upon recordation of this Declaration, and the FDEP can unilaterally revoke the Order if the conditions of this Declaration or of the Order are not met. Additionally, in the event concentrations of petroleum products, chemicals of concern, aluminum, or manganese increase above the levels approved in the Order, or if a subsequent discharge occurs at the site, the FDEP may require site rehabilitation to reduce concentrations of contamination to the levels allowed by the appropriate FDEP rules. The Order relating to FDEP Facility No. 338518810, is on file with the FDEP Northwest District Office located at 160 Government Center, Suite 308, Pensacola, Florida 32502-5794.

G. GRANTOR deems it desirable and in the best interest of all present and future owners of the Property that an Order be obtained and that the portion of the Property as described in Exhibit B attached hereto and made a part thereof, hereinafter to be referred to as that Portion, be held subject to certain restrictions and changes, all of which are more particularly hereinafter set forth.

NOW, THEREFORE, to induce the FDEP to issue the Order and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each of the undersigned parties, GRANTOR agrees as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. GRANTOR hereby imposes on that Portion of the Property the following restriction:
  - a. There shall be no use of the groundwater on that Portion of the Property. There shall be no drilling for water conducted on that Portion of the Property nor shall any wells be installed on that Portion of the Property other than monitoring wells pre-approved in writing by FDEP's Division of Waste Management (DWM), in addition to any authorizations required by the Division of Water Resource Management and the Water Management District. Additionally, there shall be no stormwater swales, stormwater detention or retention facilities or ditches on that portion of the Property. For any dewatering activities, a plan approved by FDEP's DWM must be in place to address and ensure the appropriate handling, treatment, and disposal of any extracted groundwater that may be contaminated.
3. In the remaining paragraphs, all references to "GRANTOR" and "FDEP" shall also mean and refer to their respective successors and assigns."
4. For the purpose of monitoring, the restrictions contained herein, FDEP or its respective successors and assigns shall have site access to the Property at reasonable times and with reasonable notice to the GRANTOR and its successors and assigns.

5. It is the intention of GRANTOR that the restriction contained in this Declaration shall touch and concern the Property, run with the land and with the title to the Property, and shall apply to and be binding upon and inure to the benefit of the successors and assigns of GRANTOR, and to FDEP, its successors and assigns, and to any and all parties hereafter having any right, title or interest in the Property or any part thereof. The FDEP, its successors and assigns may enforce the terms and conditions of this Declaration by injunctive relief and other appropriate available legal remedies. Any forbearance on behalf of the Department to exercise its right in the event of the failure of the GRANTOR, its successors and assigns to comply with the provisions of this Declaration shall not be deemed or construed to be a waiver of the Department's rights hereunder. This Declaration shall continue in perpetuity, unless otherwise modified in writing by GRANTOR, its successors and assigns and the FDEP, its successors and assigns as provided in paragraph 7 hereof. These restrictions may also be enforced in a court of competent jurisdiction by any other person, firm, corporation, or governmental agency that is substantially benefited by this restriction. If GRANTOR does not or will not be able to comply with any or all of the provisions of this Declaration, GRANTOR shall notify FDEP in writing within three (3) calendar days. Additionally, GRANTOR shall notify FDEP thirty (30) days prior to any conveyance or sale, granting or transferring the Property or portion thereof, to any successors, assigns or grantees, including, without limitation, the conveyance of any security interest in said Property.
6. In order to ensure the perpetual nature of these restrictions, GRANTOR, its successors and assigns, shall reference these restrictions in any subsequent deed of conveyance, including the recording book and page of record of this Declaration. Furthermore, prior to the entry into a landlord-tenant relationship with respect to the Property, GRANTOR agrees to notify in writing all proposed tenants of the Property of the existence and contents of this Declaration of Restrictive Covenant.
7. This Declaration is binding until a release of covenant is executed by the FDEP Secretary (or designee) and is recorded in the county land records. To receive prior approval from FDEP to remove any requirement herein cleanup target levels established pursuant to Florida Statutes and FDEP rules must have been achieved. This Declaration may be modified in writing only. Any subsequent amendment must be executed by both GRANTOR and the FDEP or their respective successors and assigns and be recorded by GRANTOR or its successors and assigns, and be recorded by GRANTOR, or its successors and assigns as an amendment hereto.
8. If any provision of this Declaration is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provisions thereof. All such other provisions shall continue unimpaired in full force and effect.
9. GRANTOR covenants and represents that on the date of execution of this Declaration that GRANTOR is seized of the Property in fee simple and has good right to create, establish, and impose this restrictive covenant on the

use of the Property. GRANTOR also covenants and warrants that the Property is free and clear of any and all liens, mortgages, or encumbrances that could impair GRANTOR'S rights to impose the restrictive covenant described in this Declaration or that would be superior to the restrictive covenant described in this Declaration.

IN WITNESS WHEREOF, Jefferson County has executed this instrument, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_ Of: \_\_\_\_\_

Print Name: \_\_\_\_\_ Its: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Witness  
Print Name: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Witness  
Print Name: \_\_\_\_\_

STATE OF \_\_\_\_\_)

COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by \_\_\_\_\_.

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_.

Type of Identification Produced \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Print Name of Notary Public

Commission No. \_\_\_\_\_

Commission Expires: \_\_\_\_\_

(End of page, continued with signatures on the next page)

Approved as to form by the Florida Department of Environmental Protection,  
Office of General Counsel

IN WITNESS WHEREOF, the Florida Department of Environmental Protection has  
executed this instrument, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Emile D. Hamilton  
Director, Northwest District  
160 W. Government St.  
Suite 308  
Pensacola, Florida 32502-5740

Signed, sealed and delivered in the presence of:

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of  
\_\_\_\_, 20 \_\_, by \_\_\_\_\_ as representative for the  
Florida Department of Environmental Protection.

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_.  
Type of Identification Produced \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Print Name of Notary Public  
Commission No. \_\_\_\_\_  
Commission Expires: \_\_\_\_\_



Exhibit A  
Certified Copy of Deed

CERTIFIED TRUE AND CORRECT COPY  
KIRK B. REAMS  
CLERK OF CIRCUIT COURT  
JEFFERSON COUNTY, FLORIDA  
BY: *[Signature]*, D.C.



IN THE PUBLIC RECORDS  
OF JEFFERSON CO., FL.  
CLERK OF CIRCUIT COURT

'99 JUN 14 PM 4 08

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT  
TRUST FUND OF THE STATE OF FLORIDA

QUITCLAIM DEED

FILED FOR RECORD

IN THE PUBLIC RECORDS  
OF JEFFERSON CO., FL.  
CLERK OF CIRCUIT COURT  
'99 JUN 14 PM 4 08

097394

Deed Number 29989

KNOW ALL MEN BY THESE PRESENTS: That WHEREAS, the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA is by Section 253.03, Florida Statutes, authorized and empowered to convey certain lands under the terms and conditions set forth herein; and,

WHEREAS, said BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA did approve this transfer on the 13th day of April, 1999.

NOW, THEREFORE, the undersigned BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, as "GRANTOR", under authority of Section 253.03, Florida Statutes, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, to it in hand paid by the JEFFERSON COUNTY, a political subdivision of the State of Florida, as "GRANTEE," has remise, released, conveyed and quitclaimed, and by these presents does remise, release, convey and quitclaim unto GRANTEE, its successors and assigns forever, all the right, title, interest, claim and demand GRANTOR may have in and to the following described land in Jefferson County, Florida, to-wit:

(EXHIBIT "A" ATTACHED)

TO HAVE AND TO HOLD the above-described lands subject to all outstanding easements, reservations and other interests.

ORIG PAGE  
0432 0218  
JEFFERSON CO., FL

IN TESTIMONY WHEREOF, the members of the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA have hereunto subscribed their names and have caused the official seal of said BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA to be hereunto affixed in the City of Tallahassee, Florida, on this 3rd day of June, A.D. 1999.

(SEAL)  
BOARD OF TRUSTEES OF THE  
INTERNAL IMPROVEMENT  
TRUST FUND OF THE STATE  
OF FLORIDA

*Jeff Bush*  
JEFF BUSH  
GOVERNOR

*Katherine Harris*  
KATHERINE HARRIS  
SECRETARY OF STATE

*Bob Butterworth*  
BOB BUTTERWORTH  
ATTORNEY GENERAL

*Robert F. Milligan*  
ROBERT F. MILLIGAN  
COMPTROLLER

*Bill Nelson*  
BILL NELSON  
TREASURER

APPROVED AS TO FORM AND  
LEGALITY

By: *David Klein*  
DEP Attorney

*Bob Crawford*  
BOB CRAWFORD  
COMMISSIONER OF AGRICULTURE

*Tom Gallagher*  
TOM GALLAGHER  
COMMISSIONER OF EDUCATION

As and Constituting the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA

ORBK PAGE  
432 218A

EXHIBIT "A"

A parcel of land being a portion of that property described in the Public Records of Jefferson County, Florida in Official Record Book 35, Page 415, being more particularly described as follows:

A parcel of land in the SW1/4 of NW1/4 of Section 31, Township 2 North, Range 5 East, described as follows: Commence on the West boundary of said Section 31, at a point 494.55 feet North of the SW corner thereof; thence North 13° 14' East 2222.35 feet, to a point thence South 89° 10' East 51.19 feet, to a point on the East boundary of SR 57; to the point of beginning; thence continue South 89° 10' East 753.91 feet to a point; thence North 0° 50' East 210 feet to a point; thence North 89° 10' West 707.64 feet, to the East right of way line of SR 57; thence South 13° 14' West 215.02 feet, along said East right of way line of SR 57, to the point of beginning; Less, begin on the South boundary of said SW1/4 of NW1/4, at a point 500 feet West of the SE corner thereof; thence run North 210 feet; thence West 210 feet; thence South 210 feet; thence East 210 feet, to the point of beginning; containing 2.52 acres, more or less;

LESS:

A parcel of land being a portion of that property described in the Public Records of Jefferson County, Florida in Official Record Book 35, Page 415, being more particularly described as follows:

Commence at the Southwest corner of the Southwest Quarter of the Northwest Quarter of Section 31, Township 2 North, Range 5 East, Jefferson County, Florida and run South 89 degrees 38 minutes 52 seconds East 565.64 feet to a point on the East right-of-way line of State Road 57, thence North 12 degrees 55 minutes 06 seconds East, along said right-of-way line, 212.91 feet to an iron rod marking the Northwest corner of that property of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida as recorded in the Public Records of Jefferson County, Florida in Official Records Book 35, page 415, thence leaving said right-of-way line run North 89 degrees 35 minutes 19 seconds East, along the North boundary of that property of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida as recorded in the said Public Records in Official Record Book 35, page 415, 96.00 feet to an iron rod, thence leaving said North boundary, run South 12 degrees 42 minutes 30 seconds West 16.89 feet to an iron rod, thence North 89 degrees 37 minutes 28 seconds East 113.35 feet to an iron rod for a POINT OF BEGINNING, thence from said Point of Beginning continue North 89 degrees 37 minutes 28 seconds East 32.46 feet to an iron rod, thence North 48 degrees 52 minutes 56 seconds East 25.37 feet to an iron rod on the North boundary of that property of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida as recorded in said Public Records in Official Record Book 35, page 415, thence South 89 degrees 35 minutes 19 seconds West, along said North boundary, 71.47 feet to a point, thence leaving said North boundary, run South 00 degrees 22 minutes 06 seconds West 16.52 feet to the Point of Beginning, containing 0.02 acres, more or less.

Page 3 of 4  
Deed No. 29989

BOOK PAGE  
0432 0219  
JEFFERSON CO., FL

P. 12

No. 6548

Jan. 28. 2009 4:40PM

ALSO LESS:

A parcel of land being a portion of that property described in the Public Records of Jefferson County, Florida, in Official Record Book 35, page 415, being more particularly described as follows:

Commence at the Southwest corner of the Southwest Quarter of the Northwest Quarter of Section 31, Township 2 North, Range 5 East, Jefferson County, Florida and run South 89 degrees 38 minutes 52 seconds East 1197.45 feet to a point, thence North 08 degrees 06 minutes 05 seconds East 41.22 feet to a point on a chain link fence post for the POINT OF BEGINNING, thence from said Point of Beginning continue North 08 degrees 06 minutes 05 seconds East 62.99 feet, along a chain link fence, to a point, thence North 89 degrees 50 minutes 23 seconds East 60.58 feet, along said chain link fence, to a point, thence South 05 degrees 21 minutes 00 seconds West 60.13 feet, along said fence, to a point, thence South 87 degrees 36 minutes 41 seconds West 63.91 feet, along said fence, to the Point of Beginning, containing 0.08 acres, more or less.

RESERVING unto the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida a 50.00 foot easement for ingress and egress and utility purposes lying 50.00 feet East of, and parallel with the following described line: Commence at the Southwest corner of the Southwest Quarter of the Northwest Quarter of Section 31, Township 2 North, Range 5 East, Jefferson County, Florida and run South 89 degrees 38 minutes 52 seconds East 1197.45 feet to the POINT OF BEGINNING of said line, thence North 08 degrees, 06 minutes, 05 seconds East 41.22 feet to the end of said line.

Page 4 of 4  
Deed No. 29989

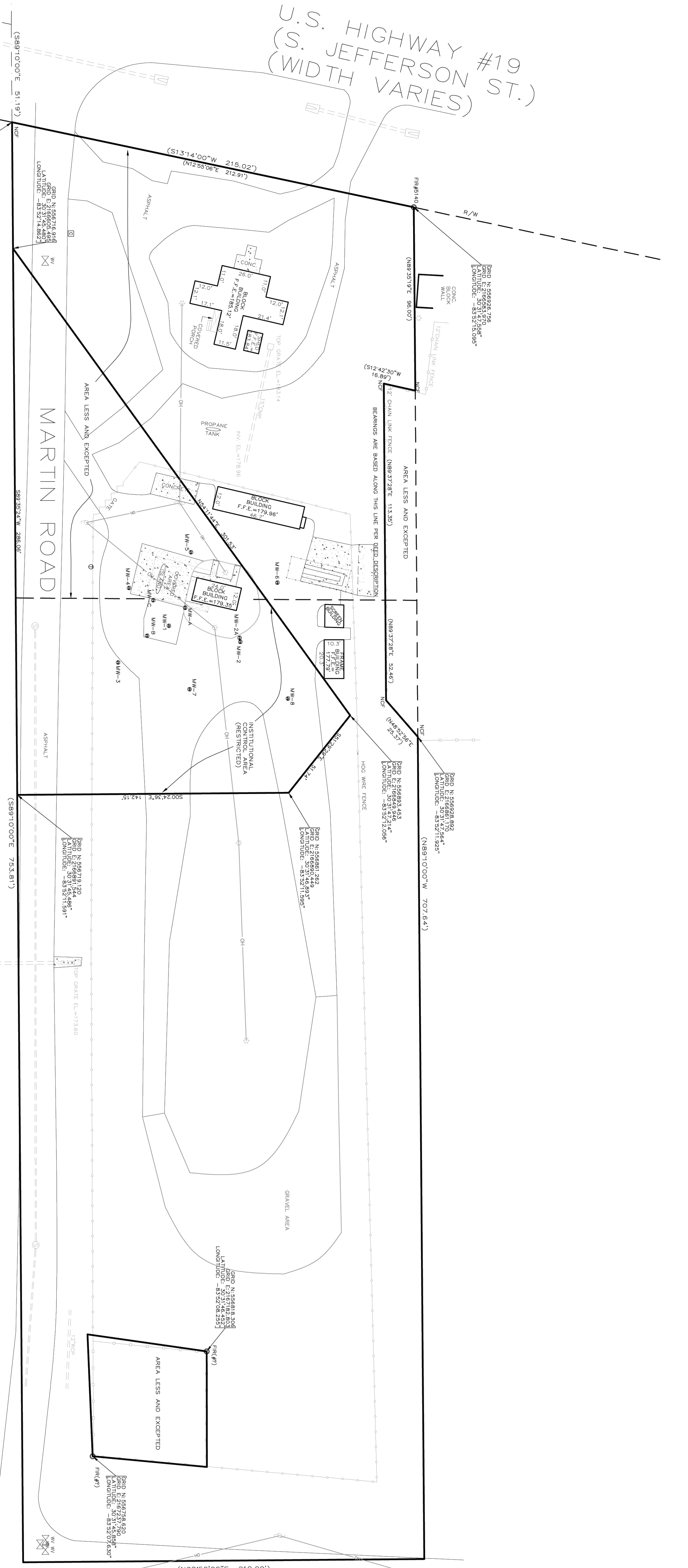
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JEFFERSON CO., FL

Exhibit B

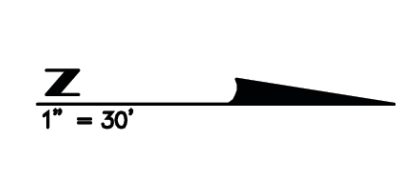
Survey Map Showing Restricted Portion of Property



U.S. HIGHWAY #19  
(S. JEFFERSON ST.)  
(WIDTH VARIES)



- MONITORING WELL #1  
TOP OF CASING=178.37'  
TOP EL.=178.37'
- MONITORING WELL #2  
TOP OF CASING EL.=178.01'
- MONITORING WELL #3  
TOP OF CASING=177.53'
- MONITORING WELL #4  
TOP OF CASING=178.67'
- MONITORING WELL #5  
TOP OF CASING=178.29'
- MONITORING WELL #6  
TOP OF CASING=178.14'
- MONITORING WELL #7  
TOP OF CASING=177.57'
- MONITORING WELL #8  
TOP OF CASING=176.92'
- ADDITIONAL MONITORING  
MONITORING WELL #4  
TOP OF CASING=178.53'
- MONITORING WELL #5  
TOP OF CASING=178.53'
- MONITORING WELL #6  
TOP OF CASING=178.53'
- MONITORING WELL #7  
TOP OF CASING=178.53'
- MONITORING WELL #8  
TOP OF CASING=178.53'



SYMBOLS & ABBREVIATIONS

- Δ - GENERAL ANGLE
- AC - ACCESS
- DB - BED BOOK
- PCB - POINT OF BEGINNING
- R/W - RIGHT OF WAY
- FLUM (G/P) - CONCRETE MONUMENT
- FP - FOUND IRON PIPE
- PP - (4\"/>

NOTES:

1. THERE ARE NO VISIBLE ENCROACHMENTS ON THIS PROPERTY, UNLESS NOTED.
2. THIS SURVEYOR HAS NOT BEEN PROVIDED A CURRENT, ACCURATE AND COMPLETE SET OF RECORD PLANS. IT IS POSSIBLE THERE ARE OTHER DEEDS, EASEMENTS, THE BOUNDARIES ON UNRECORDED, THAT MAY AFFECT THIS SURVEYOR.
3. RECORD, DEED, AND COMPUTED MEASUREMENTS ARE SHOWN IN PARENTHESES.
4. ADJOINERS, UNLESS NOTED WERE NOT FURNISHED TO THIS SURVEYOR.
5. UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS WERE NOT LOCATED.
6. ELEVATIONS ARE BASED ON N.G.V.D. 1929 DATUM, PER FEDERAL GOVERNMENT'S MAP BASED ON NAD 1983 DATUM, PER GPS TO IFCO 13'.

DATE SURVEYED	09/02/2013
DATE SIGNED	

CERTIFIED TO:  
WRS INFRASTRUCTURE & ENVIRONMENT, INC.

NOTES:  
DATE OF SURVEY: 8/30/2013  
DRAWN BY: ADP  
SCALE: 1" = 30'

AND ASSOCIATES, INC.  
LAND SURVEYORS  
489 JOHN KNOX ROAD, TALLAHASSEE, FL 32303  
PHONE: (850) 385-1036 FAX: (850) 385-1108  
LICENSED BUSINESS NO. LB 6590

**A.D. Platt**  
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

SPECIAL PURPOSE SURVEY OF:  
MONTICELLO MAINTENANCE YARD  
JEFFERSON COUNTY, FLORIDA

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA. I HAVE READ AND UNDERSTAND THE CONTENTS OF THIS SURVEY MAP AND I CERTIFY THAT IT IS ACCURATE AND CORRECT. I HAVE BEEN A LICENSED SURVEYOR AND MAPPER FOR EXCEEDS TEN (10) YEARS. I AM A MEMBER OF THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPMAGERS (F.B.S.M.).  
DATE SIGNED: 09/02/2013  
DATE SURVEYED: 09/02/2013  
PROJECT: MONTICELLO MAINTENANCE YARD

**ITEM 5(a): CHRISTMAS HOLIDAY  
SELECTION &  
CHRISTMAS GIFT CERTIFICATES**



**From:** Tyler McNeill <tmcneill@jeffersonclerk.com>  
**Sent:** Tuesday, October 22, 2013 4:29 PM  
**To:** Kirk Reams  
**Subject:** Holiday Schedule

Kirk:

Several county employees have called about upcoming holidays. I explained that we always receive Thanksgiving (Thursday) and the following Friday. According to the personnel policy, we always receive Christmas Day and the day before or after (discretionary). Can you find out if the BOCC is giving the employees Tuesday (December 24<sup>th</sup>) or Thursday (December 26<sup>th</sup>)?

Thank you Sir!

-Tyler

Sincerely,

Tyler McNeill  
Chief Deputy Clerk / Human Resources  
(850) 342-0218 ext 231  
(850) 342-0218 (fax)

**ITEM 5(b): FY 2012-2013 CLEAN-UP BUDGET  
AMENDMENTS**



# KIRK REAMS

**Jefferson County  
Clerk of Court & CFO**

**1 Courthouse Circle  
Monticello, FL 32344  
(850) 342-0218  
Fax (850) 342-0222**

Commissioners:

The following items need to be added to the 2012-2013 budget due to grants that the Sheriff's Office received that flow through our GL:

1. \$ 1,336.25 – CERT Grant
2. \$ 105,806.00 – EMPA (State) Grant
3. \$ 54,534.00 – EMPG (Federal) 50/50 Matching Grant
4. \$ 20,000.00 – Homeland Security 1346 Grant
5. \$ 9,000.00 – Homeland Security 1391 Grant
6. \$ 31,646.00 – Drug Grant

I am respectfully requesting that these amendments be approved by one motion so I will be able to make the necessary accounting changes.

Thank you for your attention to this matter.

Sincerely,

Kirk B. Reams



**ITEM 5(d): TAX COLLECTOR ATTORNEY  
FEE PAYMENT REQUEST**



*Lois H. Hunter, C.F.C.*

Jefferson County Tax Collector  
500 West Walnut Street  
Monticello, Florida 32344

Phone (850) 342-0147  
Fax (850) 342-0149

October 9, 2013

Jefferson County Board of County Commissioners  
1 Courthouse Circle  
Monticello, Florida 32344

Dear County Commissioners,

I'm requesting \$75,837.31 to pay attorney's fees incurred in a recent law suit filed by Mayor Idella Scott against the Jefferson County Tax Office. As you all know the case was settled through a court of law in which I prevailed in my actions to terminate Ms. Scott.

Your cooperation in this matter would be greatly appreciated.

Thanks

  
Lois Howell-Hunter  
Jefferson County Tax Collector

**ITEM 6: PUBLIC HEARING: FLOODPLAIN  
MANAGEMENT ORDINANCE**

**ORDINANCE NO. 2013-111913-01**  
**FLOODPLAIN MANAGEMENT**

**AN ORDINANCE OF JEFFERSON COUNTY, FLORIDA, RELATING TO FLOODPLAIN MANAGEMENT; AMENDING THE JEFFERSON COUNTY CODE OF ORDINANCES TO ADOPT A NEW FLOODPLAIN MANAGEMENT ORDINANCE; ADOPTING A NEW CHAPTER 11 OF THE JEFFERSON COUNTY CODE OF ORDINANCES ENTITLED FLOODPLAIN MANAGEMENT; ADOPTING ARTICLE 1, ADMINISTRATION; ADOPTING ARTICLE 2, DEFINITIONS; ADOPTING ARTICLE 3, FLOOD RESISTENT DEVELOPMENT; ADOPTING NEW FLOOD HAZARD MAPS; DESIGNATING A FLOODPLAIN ADMINISTRATOR; ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREA; ADOPTING LOCAL ADMINISTRATIVE AND TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; EFFECTING CONFORMING AMENDMENTS TO SECTIONS 4.01.00 THROUGH 4.01.06 (FLOOD PROTECTION), SECTION 5.09.00 (FLOODPLAINS), AND SECTION 7.02.03 (SPECIAL PROVISIONS WHERE VAIRIANCE IS SOUGHT TO REQUIREMENTS OF FLOOD DAMAGE PREVENTION) OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE; REPEALING INCONSISTENT PROVISIONS INCLUDING JEFFERSON COUNTY ORDINANCE NO. 91.4, ORDINANCE 91-8, AND ORDINANCE NO. 2003-03; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the Legislature of the State of Florida has, in Chapter 125 , Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

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

**WHEREAS**, Jefferson County, Florida was accepted for participation in the National Flood Insurance Program on June 19, 1991 and the Jefferson County Board of County Commissioners desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

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

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

**WHEREAS**, the Jefferson County Board of County Commissioners has determined that it is in the public interest and is therefore adopting a requirement to increase the minimum

elevation for buildings and structures in flood hazard areas, and, pursuant to Section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*;

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

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Jefferson County that the following floodplain management regulations, and the following local administrative amendments to the 2010 *Florida Building Code*, are hereby adopted.

## **SECTION 1. RECITALS.**

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

**SECTION 2.** There is hereby adopted a new Chapter 11, of the Jefferson County Code of Ordinances entitled Floodplain Management, as follows:

**NOTE:** Underlined language is proposed language and ~~Struck Through~~ language is language proposed to be deleted.

## **CHAPTER 11 – RESERVED FLOODPLAIN MANAGEMENT**

### **ARTICLE 1. ADMINISTRATION**

#### **Sec. 11-101 GENERAL**

##### **Sec. 11-101.1 Title.**

These regulations shall be known as the *Floodplain Management Ordinance* of Jefferson County, Florida, hereinafter referred to as “this ordinance.”

##### **Sec. 11-101.2 Scope.**

The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

##### **Sec. 11-101.3 Intent.**

The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;



3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

**Sec. 11-101.4 Coordination with the *Florida Building Code*.**

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

**Sec. 11-101.5 Warning.**

The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

**Sec. 11-101.6 Disclaimer of Liability.**

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

**Sec. 11-102 APPLICABILITY**

**Sec. 11-102.1 General.**

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

**Sec. 11-102.2 Areas to which this ordinance applies.**

This ordinance shall apply to all flood hazard areas within Jefferson County, Florida, as established in Sec. 11-102.3 of this ordinance.

**Sec. 11-102.3 Basis for establishing flood hazard areas.**

The Flood Insurance Study for Jefferson County, Florida, and Incorporated Areas, effective date February 5, 2014, and all subsequent amendments and revisions to such study, and the accompanying Flood Insurance Rate Maps (FIRM), FIRM Map Series 12065C (which cover both unincorporated Jefferson County and the City of Monticello, effective date February 5, 2014), and all subsequent amendments and revisions to such maps, are hereby adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. The above referenced study and maps that establish flood hazard areas are on file at the Jefferson County Building and Planning Department, 445 W. Palmer Mill Road, Monticello, Florida.

**Sec. 11-102.3.1 Submission of additional data to establish flood hazard areas.**

To establish flood hazard areas and base flood elevations, pursuant to Sec. 11-105 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

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 ordinance and, as applicable, the requirements of the *Florida Building Code*.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

**Sec. 11-102.4 Other laws.**

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

**Sec. 11-102.5 Abrogation and greater restrictions.**

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

**Sec. 11-102.6 Interpretation.**

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

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

**Sec. 11-103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

**Sec. 11-103.1 Designation.**

The Planning Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

**Sec. 11-103.2 General.**

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Sec. 11-107 of this ordinance.

**Sec. 11-103.3 Applications and permits.**

The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

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

**Sec. 11-103.4 Substantial improvement and substantial damage determinations.**

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

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

**Sec. 11-103.5 Modifications of the strict application of the requirements of the *Florida Building Code*.**

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Sec. 11-107 of this ordinance.

**Sec. 11-103.6 Notices and orders.**

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

**Sec. 11-103.7 Inspections.**

The Floodplain Administrator shall make the required inspections as specified in Sec. 11-106 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

**Sec. 11-103.8 Other duties of the Floodplain Administrator.**

The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Sec. 11-103.4 of this ordinance;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete;
5. Notify the Federal Emergency Management Agency when the corporate boundaries of Jefferson County are modified; and

6. Advise applicants for new buildings and structures, including substantial improvements, that 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.”

**Sec. 11-103.9 Floodplain management records.**

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the Jefferson County Building and Planning Department.

**Sec. 11-104 PERMITS**

**Sec. 11-104.1 Permits required.**

Any owner or owner’s authorized agent (hereinafter “applicant”) who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities not subject to, or otherwise exempt from, the *Florida Building Code*, which is wholly within or partially within any flood hazard area, shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

**Sec. 11-104.2 Floodplain development permits or approvals required for development activities not subject to *Florida Building Code*.**

Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval issued pursuant to this ordinance is required in addition to a building permit issued pursuant to the *Florida Building Code*.

**Sec. 11-104.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*.**

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for buildings, structures and facilities that are not subject to, or are otherwise exempt from, the *Florida Building Code*, and any further exemptions provided

by law, which are subject to the requirements of this ordinance. Building, structures and facilities currently expressly exempt from the *Florida Building Code* include the following:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in Section 604.50, F.S.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in Section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in Section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

**Sec. 11-104.3 Application for a permit or approval.**

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Sec. 11-105 of this ordinance.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

**Sec. 11-104.4 Validity of permit or approval.**

The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

**Sec. 11-104.5 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.

**Sec. 11-104.6 Suspension or revocation.**

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

**Sec. 11-104.7 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 Northwest Florida Water Management District or Suwanee River Water Management District; Section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; Section 161.141, F.S.
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; Section 161.055, F.S.
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.
6. Federal permits and approvals.

**Sec. 11-105 SITE PLANS AND CONSTRUCTION DOCUMENTS**

**Sec. 11-105.1 Information for development in flood hazard areas.**

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

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Sec. 11-105.2(2) or (3) of this ordinance.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Sec. 11-105.2(1) of this ordinance.

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.
8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

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

**Sec. 11-105.2 Information in flood hazard areas without base flood elevations (approximate Zone A).**

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - b. Specify that the base flood elevation is four (4) 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 four (4) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.



**Sec. 11-105.3 Additional analyses and certifications.**

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

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Sec. 11-105.4 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Sec. 11-105.4 of this ordinance.
4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

**Sec. 11-105.4 Submission of additional data.**

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

**Sec. 11-106 INSPECTIONS**

**Sec. 11-106.1 General.**

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

**Sec. 11-106.1.1 Development other than buildings and structures.**

The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development

permits or approvals.

**Sec. 11-106.1.2 Buildings, structures and facilities exempt from the *Florida Building Code*.**

The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

**Sec. 11-106.1.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection.**

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Sec. 11-105.2(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

**Sec. 11-106.1.2.2 Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection.**

As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Sec. 11-106.1.2.1 of this ordinance.

**Sec. 11-106.1.3 Manufactured homes.**

The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor prepared by a Florida licensed Professional Land Surveyor shall be submitted to the Building Official.

**Sec. 11-107 VARIANCES AND APPEALS**

**Sec. 11-107.1 General.**

The Jefferson County Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to Section 553.73(5), F.S., the Jefferson County Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

**Sec. 11-107.2 Appeals.**

The Jefferson County Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any

person aggrieved by the decision of Jefferson County Board of County Commissioners may appeal such decision to the Circuit Court, as provided by Florida Statutes.

**Sec. 11-107.3 Limitations on authority to grant variances.**

The Jefferson County Board of County Commissioners shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Sec. 11-107.6 of this ordinance, the conditions of issuance set forth in Sec. 11-107.7 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Jefferson County Board of County Commissioners has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

**Sec. 11-107.3.1 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 Sec. 11-105.3 of this ordinance.

**Sec. 11-107.4 Historic buildings.**

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 11 Historic Buildings*, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

**Sec. 11-107.5 Functionally dependent uses.**

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Sec. 11-107.3.1, 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.

**Sec. 11-107.6 Considerations for issuance of variances.**

In reviewing requests for variances, the Jefferson County Board of County Commissioners shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

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

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

**Sec. 11-107.7 Conditions for issuance of variances.**

Variances shall be issued only upon:

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

**Sec. 11-108 VIOLATIONS**

**Sec. 11-108.1 Violations.**

Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a

violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

**Sec. 11-108.2 Authority.**

For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

**Sec. 11-108.3 Unlawful continuance.**

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

**ARTICLE 2. DEFINITIONS**

**Sec. 11-201 GENERAL**

**Sec. 11-201.1 Scope.**

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

**Sec. 11-201.2 Terms defined in the *Florida Building Code*.**

Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

**Sec. 11-201.3 Terms not defined.**

Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

**Sec. 11-202 DEFINITIONS**

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

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

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

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

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

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

**Coastal construction control line.** The line established by the State of Florida pursuant to Section 161.053, F.S., 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.** 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. [Note: The FBC,B defines and uses the term “flood hazard areas subject to high velocity wave action” and the FBC, R uses the term “coastal high hazard areas.”]

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

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

**Design flood elevation.** The elevation of the “design flood,” including wave height, relative to the datum specified on the community’s legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building’s perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

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

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

**Existing building and existing structure.** Any buildings and structures for which the “start of construction” commenced before June 19, 1991. [Also defined in FBC, B, Section 1612.2.]

**Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets,

and either final site grading or the pouring of concrete pads) is completed before June 19, 1991.

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

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

**Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

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

**Flood damage-resistant materials.** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

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

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

**Flood Insurance Rate Map (FIRM).** The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

**Flood Insurance Study (FIS).** The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

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

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

**Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

**Floodway encroachment analysis.** An engineering analysis of the impact that a proposed

encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

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

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

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

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

**Letter of Map Change (LOMC).** An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

**Light-duty truck.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12



persons; or

3. Available with special features enabling off-street or off-highway operation and use.

**Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

**Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

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

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

**New construction.** For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after June 19, 1991 and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 19, 1991.

**Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in Section 320.01, F.S.]

**Recreational vehicle.** A vehicle, including a park trailer, which is: [See Section 320.01, F.S.)

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Sand dunes.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

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

**Start of construction.** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

**Substantial damage.** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

**Substantial improvement.** Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

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

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

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

## **ARTICLE 3. FLOOD RESISTANT DEVELOPMENT**

### **Sec. 11-301 BUILDINGS AND STRUCTURES**

#### **Sec. 11-301.1 Design and construction of buildings, structures and facilities, not subject**

**to, or otherwise exempt, from the Florida Building Code.**

Pursuant to Sec. 11-104.2.1 of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Sec. 11-307.

**Sec. 11-301.2 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 Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
2. Minor structures and non-habitable major structures as defined in Section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

**Sec. 11-302 SUBDIVISIONS**

**Sec. 11-302.1 Minimum requirements.**

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

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

**Sec. 11-302.2 Subdivision plats.**

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

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Sec. 11-105.2(1) of this ordinance; and
3. Compliance with the site improvement and utilities requirements of Sec. 11-303 of this ordinance.

**Sec. 11-303 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**

**Sec. 11-303.1 Minimum requirements.**

All proposed new development shall be reviewed to determine that:

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

**Sec. 11-303.2 Sanitary sewage facilities.**

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

**Sec. 11-303.3 Water supply facilities.**

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

**Sec. 11-303.4 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 Sec. 11-105.3(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

**Sec. 11-303.5 Limitations on placement of fill.**

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

**Sec. 11-303.6 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 Florida Department of Environmental Protection and only if the engineering analysis required by Sec. 11-105.3(4) of this ordinance 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 Sec. 11-307.8(3) of this ordinance.

**Sec. 11-304 MANUFACTURED HOMES**

**Sec. 11-304.1 General.**

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

restrictive of the applicable requirements.

**Sec. 11-304.2 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 hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential Section R322.2* and this ordinance.
2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential Section R322.3* and this ordinance.

**Sec. 11-304.3 Anchoring.**

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

**Sec. 11-304.4 Elevation.**

Manufactured homes that are placed, replaced, or substantially improved shall comply with Sec. 11-304.4.1 or 11-304.4.2 of this ordinance, as applicable.

**Sec. 11-304.4.1 General elevation requirement.**

Unless subject to the requirements of Sec. 11-304.4.2 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential Section R322.2* (Zone A) or Section R322.3 (Zone V).

**Sec. 11-304.4.2 Elevation requirement for certain existing manufactured home parks and subdivisions.**

Manufactured homes that are not subject to Sec. 11-304.4.1 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida 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.

**Sec. 11-304.5 Enclosures.**

Enclosed areas below elevated manufactured homes shall comply with the requirements

of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

**Sec. 11-304.6 Utility equipment.**

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

**Sec. 11-305 RECREATIONAL VEHICLES AND PARK TRAILERS**

**Sec. 11-305.1 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.

**Sec. 11-305.2 Permanent placement.**

Recreational vehicles and park trailers that do not meet the limitations in Sec. 11-305.1 of this ordinance for temporary placement shall meet the requirements of Sec. 11-304 of this ordinance for manufactured homes.

**Sec. 11-306 TANKS**

**Sec. 11-306.1 Underground tanks.**

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

**Sec. 11-306.2 Above-ground tanks, not elevated.**

Above-ground tanks that do not meet the elevation requirements of Sec. 11-306.3 of this ordinance 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).

**Sec. 11-306.3 Above-ground tanks, elevated.**

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

**Sec. 11-306.4 Tank inlets and vents.**

Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

## **Sec. 11-307 OTHER DEVELOPMENT**

### **Sec. 11-307.1 General requirements for other development.**

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of Sec. 11-303.4 of this ordinance if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

### **Sec. 11-307.2 Fences in regulated floodways.**

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Sec. 11-303.4 of this ordinance.

### **Sec. 11-307.3 Retaining walls, sidewalks and driveways in regulated floodways.**

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Sec. 11-303.4 of this ordinance.

### **Sec. 11-307.4 Roads and watercourse crossings in regulated floodways.**

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Sec. 11-303.4 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Sec. 11-105.3 (3) of this ordinance.

### **Sec. 11-307.5 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 be:

1. Structurally independent of the foundation system of the building or structure;
2. 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 (4) inches.

**Sec. 11-307.6 Decks and patios in coastal high hazard areas (Zone V).**

In addition to the requirements of the *Florida 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 twelve (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 twelve (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.

**Sec. 11-307.7 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:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
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, F.A.C., as filled systems or mound systems.

**Sec. 11-307.8 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 runup and wave reflection that would increase damage to adjacent buildings and structures.
3. Where authorized by the Florida 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 runup 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.

**SECTION 3.** Section 10-20. of the Code of Ordinances of Jefferson County, Florida, is hereby amended by adding the following administrative amendments to the *Florida Building Code, Building*.

**NOTE:** Underlined language is proposed language and ~~Struck Through~~ language is language proposed to be deleted.

Sec. 104.10.1, Florida Building Code, Building

Add a new Sec. 104.10.1 as follows:

**104.10.1 Modifications of the strict application of the requirements of the Florida 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 Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

Sec. 107.6.1, Florida Building Code, Building

Add a new Sec. 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 C.F.R. 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 Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

Sec. 117, Florida Building Code, Building

Add a new Sec. 117 as follows:

**117 VARIANCES IN FLOOD HAZARD AREAS**

**117.1 Flood hazard areas.** Pursuant to Section 553.73(5), F.S., 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 *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

**SECTION 4.** Section 10-20. of the Code of Ordinances of Jefferson County, Florida, is hereby amended by adding the following technical amendments to The *Florida Building Code, Building*.

**NOTE:** Underlined language is proposed language and ~~Struck Through~~ language is language proposed to be deleted.

Sec. 1612.4.1, Florida Building Code, Building

Add a new Sec. 1612.4.1as follows:

**1612.4.1 Elevation requirements.** The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 2 feet (610 mm), whichever is higher.

**SECTION 5.** Section 10-20. Of the Code of Ordinances of Jefferson County, Florida, is hereby amended by adding the following technical amendments to *The Florida Building Code, Residential*.

**NOTE:** Underlined language is proposed language and ~~Struck Through~~ language is language proposed to be deleted.

Sec. R322.2.1, Florida building Code, Residential

Modify Sec. R322.2.1 as follows:

**R322.2.1 Elevation requirements.**

1. 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 2 feet or the design flood elevation, whichever is higher.
2. 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 2 feet 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. 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 2 feet, or at least 4 feet 2 feet (610 mm) if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 2 feet 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.

Sec. R322.3.2, Florida Building Code, Residential

Modify Sec. R322.3.2 as follows:

**R322.3.2 Elevation requirements.**

1. 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:
  - 1.1 Located at or above the base flood elevation plus 2 feet 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
  - 1.2 Located at the base flood elevation plus 3 feet 1 foot (305 mm), 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.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. 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.

**SECTION 6.** Sections 4.01.00 through 4.01.06 (Flood Protection) of the Jefferson County Land Development Code are amended as follows.

**NOTE:** Underlined language is proposed language and ~~Struck Through~~ language is language proposed to be deleted.

**4.1.0.4.01.00 FLOODPLAIN PROTECTION**

Article 2 of this Code establishes additional density limitations for development of properties containing Special Flood Hazard Areas (areas within the 100-year floodplain). Construction within Special Flood Hazard Areas shall be in accordance with the Jefferson County Floodplain Management Ordinance, Chapter 11 of the Jefferson County Code of Ordinances, and with the Florida Building Code, Building and Residential, including the floodplain management related administrative and technical amendments to the Florida Building Code, Chapter 10 of the Jefferson County Code of Ordinances.

~~4.01.01~~ ——— ~~PURPOSE~~

~~A. It is the purpose of this Article to promote the public health, safety, and general welfare and to minimize the public and private losses due to flood conditions in specific areas by provisions designed to:~~

- ~~1. conserve and maintain the outstanding ecological, recreational, and aesthetic value of all river basins;~~
- ~~2. maintain, protect, and where possible enhance the drainage corridors of the areas that drain into sink holes;~~
- ~~3. require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;~~
- ~~4. control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;~~
- ~~5. control filling, grading, dredging, and other development which may increase erosion or flood damage;~~
- ~~6. prevent or regulate the construction of barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;~~
- ~~7. protect individuals from unlimited utilization of lands which are unsuited for intended purposes because of flood hazards;~~
- ~~8. to maintain water quality; and~~
- ~~9. to protect wetland values.~~

~~4.01.02 FINDINGS OF FACT~~

- ~~A. The rivers and their major tributaries are the focus of statewide and county wide attention; a major undeveloped and free flowing riverine estuary system in Florida and of outstanding ecological, recreational and aesthetic value.~~
- ~~B. The sinkhole system is another concern because of the potential contamination of wells in the area.~~
- ~~C. The 100-year flood areas of Jefferson County are subject to periodic inundation which can result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.~~
- ~~D. These flood losses are caused in part by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupance in flood hazard areas by uses vulnerable to floods or hazardous to other properties which are inadequately elevated or otherwise not protected from flood damages.~~

~~4.01.03 GENERAL PROVISIONS~~

- ~~A. SCOPE. This Article requires a permit for all development of any land in Jefferson County within the 100-year flood area. No development of any land in Jefferson County lying within the 100-year flood area shall be commenced without first obtaining a permit as set forth herein. This permit shall be referred to herein as the Development Permit. This Article also provides additional requirements for the subdivision of land lying within the 100-year flood area.~~
- ~~B. ESTABLISHMENT OF OFFICIAL 100-YEAR FLOOD ELEVATIONS AND MAP SERIES. The most recent and reliable flood elevations established by the Federal Emergency Management Agency (FEMA) shall be used, consistent with the County Management Ordinance. The County Engineer can set elevations for "A" zone areas by comparing the FEMA map with Quad Maps, by reviewing records or reports of historical floods, and/or by consultation with surveyors on field records. These elevations shall be referred to as the "Official 100-Year Flood Elevations".~~
- ~~C. DEVELOPMENT REQUIREMENTS WITHIN THE FLOOD AREA. All habited structures in the 100-year flood area shall be required to build with two feet of freeboard (two feet above the base flood elevation). An Elevation Certificate prepared by a Florida registered professional engineer (P.E.) or a Florida registered surveyor (RLS) will be required before a Certificate of Occupancy can be issued.~~

- ~~1. Non inhabited structures can allow water to pass through.~~
- ~~2. Inverts and/or accesses to septic tanks and pump stations shall maintain one foot of freeboard. If they have sealed openings that do not allow the passage of liquids they can be exempt from freeboard.~~
- ~~3. The rock bed for the drain field shall maintain one foot of freeboard.~~

~~4.01.04 Administration and Development Review~~

~~The administrative procedures of these flood protection regulations are in Section 9.09.06.~~

~~4.01.05 Design Standards for Flood Prone Areas~~

~~Design standards to be met by appropriate development activities are found in Section 5.06.00.~~

~~4.01.06 Other Applicable Provisions~~

~~Provisions for the enforcement of these regulations are found in Section 9.13.00. Appeals from the specific application of these regulations may be filed pursuant to Section 9.11.00.~~

**SECTION 7.** Section 5.09.00 (Floodplains) of the Jefferson County Land Development Code is amended as follows.

**NOTE:** Underlined language is proposed language and ~~Struck Through~~ language is language proposed to be deleted.

5.09.00 FLOODPLAINS

Article 2 of this Code establishes additional density limitations for development of properties containing Special Flood Hazard Areas (areas within the 100-year floodplain). Construction within Special Flood Hazard Areas shall be in accordance with the Jefferson County Floodplain Management Ordinance, Chapter 11 of the Jefferson County Code of Ordinances, and with the Florida Building Code, Building and Residential, including the floodplain management related administrative and technical amendments to the Florida Building Code, Chapter 10 of the Jefferson County Code of Ordinances.

~~A. General Requirements and Minimum Standards of Design. In all areas where the Official 100-Year Flood Elevations have been provided as set forth in Section 2.2 the following provisions are required:~~

- ~~1. Construction. New Construction or substantial improvement of any structure, including mobile homes, shall have the lowest habitable floor structure elevated to two (2) feet above the Official 100-Year Flood Elevations.~~
- ~~2. Roads. All roads shall be constructed to specifications set forth in the applicable County Ordinances, and, if possible, constructed at natural grade, but in any event the road shall be designed to accommodate the natural flow of water. In the case of subdivisions, the foregoing shall be certified by a registered Florida professional engineer.~~
- ~~3. Increase in Flood Elevations. No permit shall be approved if proposed levees, fills, structures or other features will individually or collectively increase the flood elevations beyond the upstream property limits of the developer's property line.~~
- ~~4. Permanent Elevation Monuments. The developer shall install permanent elevation monuments for each lot within a subdivision. (The monument may be shared by adjacent lots.)~~
- ~~5. Drainage Facilities. Drainage facilities shall be designed to store and convey the flow of storm waters without damage to persons or property pursuant to the provisions of the Development Code and other applicable local or state rules governing stormwater discharge. The preceding provision shall not apply to single family residential structures.~~
- ~~6. Wastewater Disposal.~~

- ~~a. If a mound absorption system is necessary to comply with the requirements of Chapter 10D-6, F.A.C. for proper functioning, then the minimum lot or parcel size shall be one (1) acre. The one-acre minimum shall not apply to lots or tracts smaller than one acre, which were recorded prior to the effective date of this Ordinance. For areas where septic tank systems do not meet the requirements of this Code or Chapter 10D-6, F.A.C., alternative systems approved by the Florida Department of Health must be utilized.~~
- ~~b. Sanitary sewer systems shall be designed to withstand flooding to the Official 100-Year Flood Elevation as follows:
  - ~~(1) Pipe system must be able to withstand pressure of water above ground.~~
  - ~~(2) Manholes, pumpstations and treatment plants must either be elevated to 2 feet above the Official 100-Year Flood Elevation or sealed to hydrostatic pressure of 100-year flood.~~~~
- ~~7. Erosion and Sedimentation Control. The engineer/developer shall be required to utilize USDA Soil Conservation Service Standards and Specifications in the design for grading, site development, landscaping involving earth moving, sediment control, vegetation establishment and other measures involved with a development plan to reduce on and off-site erosion and sediment damage caused by the development. The engineer/developer shall also be required to authorize periodic on-site inspection of sediment control measures by the building inspector and his/her authorized agents, as it is deemed necessary. Deviation from the approved plan will not be made without authorization from the building inspector.~~
- ~~8. Riverbank setback. All development activities must take place landward of the Riverbank Setback Line. Vegetation riverward of the Riverbank Setback Line shall be preserved provided a reasonableness of access shall not be unduly restricted. Elevated boardwalks and private, non-commercial docks may be constructed. The setback distance shall be 100 feet except for the harvesting of timber, which shall be 75 feet set back from the riverbank.~~

**SECTION 8.** Section 7.02.03 (Special Provisions Where Variance is Sought to Requirements to Flood Damage Prevention) of the Jefferson County Land Development Code is amended as follows.

NOTE: Underlined language is proposed language and ~~Struck Through language~~ is language proposed to be deleted.

**7.02.03 Special Provisions Where Variance is Sought to Requirements of to Floodplain Management Damage Prevention Regulations**

See, Jefferson County Floodplain Management Ordinance, Article 11, Jefferson County Code of Ordinances, Sec. 11-107, Variances and Appeals.

**A. ~~Conditions for Modification.~~** The Planning Commission may permit modifications in the minimum standards of design under the following conditions:

- ~~1. Conditions are attached to development permit approval that assure compliance with the requirements of this Code insofar as practical and the modification granted is the minimum modification necessary to make possible a reasonable use of the land; and,~~
- ~~2. The purposes and intent of Section 4.01.01 are observed; and~~

3. ~~There is no substantial increase in flood hazard or flood damage potential, as certified by a registered Florida professional engineer; and~~
4. ~~The Planning Department shall maintain the records of all appeal actions, including the technical information.~~

~~**A. Additional Finding.** In addition to the findings required by Section 7.02.02(B), the Planning Commission shall find that the requested variance will not result in an increase in the elevation of the Base Flood, additional threats to public safety, additional public expense, the creation of nuisances, fraud or victimization of the public, or conflicts with other local ordinances except as allowed in 7.02.03-D.~~

~~**B. Considerations.** Before granting a variance, the Planning Commission shall consider the provisions of the County Floodplain Ordinance and:~~

1. ~~The danger that materials may be swept from the site onto other lands.~~
2. ~~The danger to life and property from flooding or erosion.~~
3. ~~The potential of the proposed facility and its contents to cause flood damage and the effect of that damage on the owner and the public.~~
4. ~~The importance of the services provided by the proposed facility to the community, and whether it is a functionally dependent facility.~~
5. ~~The availability of alternative locations, not subject to flooding and erosion, for the proposed use.~~
6. ~~The compatibility of the proposed use with existing and anticipated neighboring development.~~
7. ~~The relationship of the proposed use to the Jefferson County Comprehensive Plan and the floodplain management program for the area.~~
8. ~~Safe vehicular access to the property in times of flood.~~
9. ~~The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and effects of wave action, if applicable, at the site.~~
10. ~~The costs of providing governmental services during and after floods including maintenance and repair of public utilities and facilities.~~

~~**C. Special Restriction for Regulated Floodways (Aucilla River).** Variances that would increase flood levels during the base flood shall not be issued within the Aucilla River.~~

~~**D. Flowage Easement.** No variance that would increase flood damage on other property shall be granted unless flowage easements have been obtained from the owners of all affected properties. In no event shall a variance be granted that would increase the~~

~~elevation of the base flood more than one (1) foot.~~

~~**E. Notification.** All variances to the flood protection regulations shall:~~

- ~~1. Specify the difference between the flood protection elevation and the elevation to which the structure is to be built.~~
- ~~2. State that the variance will result in increased premium rates for flood insurance on adjoining properties.~~
- ~~3. State that construction below the Official 100-year Flood Elevations increases risks to life and property.~~

~~**F. Record of Variances to be Maintained.** The Planning Official shall maintain a record of all variances including the justification for their issuance and a copy of the notice of the variance. The Director shall report all variances in the Annual Report to the Board of County Commissioners.~~

~~**G. Historic Sites.** Notwithstanding the foregoing requirements, special variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on, or classified as contributing to a district listed on, the National Register of Historic Places, the Florida Master Site File, or the local register of historic places. The special variance shall be the minimum necessary to protect the historic character and design of the structure. No special variance shall be granted if the proposed construction, rehabilitation, or restoration will cause the structure to lose its historical designation.~~

## **SECTION 9. FISCAL IMPACT STATEMENT.**

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

## **SECTION 10. APPLICABILITY.**

For the purposes of jurisdictional applicability, this ordinance shall apply in all unincorporated areas of Jefferson County, and, if approved by Interlocal agreement, within the municipal limits of the City of Monticello. 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 11. REPEALER.**

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): Jefferson County Ordinance No. 91.4 (Attachment "A"), Ordinance 91-8 (Attachment "B") and Ordinance No. 2003-03 (Attachment "C").

## **SECTION 12. INCLUSION INTO THE CODE OF ORDINANCES.**

It is the intent of the Jefferson County Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Jefferson County 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 13. 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 14. EFFECTIVE DATE.**

This Ordinance shall be filed with the Office of the Secretary of the State of Florida and shall immediately take effect upon receipt of official acknowledgment from the Department of State that the same has been filed.

**PASSED** on first reading \_\_\_\_\_.

**PASSED and ADOPTED** in regular session, with a quorum present and voting, by the Jefferson County Board of County Commissioners, upon second and final reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**Jefferson County Board of County Commissioners**

\_\_\_\_\_  
**Chairman**

**ATTEST:**

\_\_\_\_\_  
**Kirk Reams**  
**Clerk of Court & CFO**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Scott Shirley**  
**Planning and Land Use Attorney**

**ITEM 7(a): SHIP/LHAP  
DEMOLITION/REPLACEMENT STRATEGY  
ADDENDUM**

**Kirk Reams**

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**From:** Esrone McDaniels <EMcDaniels@meridserv.com>  
**Sent:** Monday, October 28, 2013 4:08 PM  
**To:** Parrish Barwick; nflynt@jeffersoncountyfl.gov  
**Cc:** Jay Moseley; Esrone McDaniels  
**Subject:** SHIP LHAP Amendment  
**Attachments:** SHIP LHAP Demolition-Replacement Strategy.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon to each of you – many of the homes in Jefferson County that would be good candidates for the SHIP program cannot be assisted under the program because the county's Local Housing Assistance Plan only allows up to \$40,000 to assist under the Owner Occupied Rehab Strategy. When we conduct preliminary estimates of some properties, if the home is structurally unsound and needs to be demolished and replaced, we have to walk away from it. Why? Because investing \$40,000 would only put a band-aid on it and it probably wouldn't be able to get a Certificate of Occupancy.

This can be cured if the county amends its LHAP to allow for a demolition/replacement strategy. Many counties have incorporated a demolition strategy into its LHAP because of the aging housing stock. Attached is Wakulla County's demolition strategy that could be used as a paradigm for Jefferson County. I think it makes sense to adopt a strategy such as this. However, it is the County's decision whether or not to do so. Please be reminded that SHIP applications are due by November 15, 2013.

Please let me know your thoughts as soon as you can so that we can formally undergo the amendment process should we need to. Thanks

Esrone McDaniels, III, MPA, Assistant Director  
Community Services Division (formerly Meridian Community Services Group, Inc.)  
Government Services Group, Inc.  
Phone: 850.877.1908 Fax: 850.878.8785  
Website: [www.meridiancommunitysolutions.com](http://www.meridiancommunitysolutions.com)

**E. Name of Strategy: Demolition/New Construction**

**1. Summary of the Strategy:**

The purpose of this strategy is to assist households whose homes are more than fifty-one percent (51%) structurally unsound as determined by a certified Building Inspector. Mobile homes will not be allowed under this strategy.

**2. Fiscal Years Covered:** 2012/2013, 2013/2014, 2014/2015

**3. Income Categories to be served:** Very-low and low income households

**4. Maximum Award:** up to \$75,000 per applicant

**5. Terms, Recapture and Default.** A mortgage will be placed on the property for the full amount of the subsidy invested in the property. Loan terms of the subsidy will be in the form of a zero percent (0%) deferred loan, due upon sale, transfer, or refinancing of the property. The full amount of the loan will be forgiven in equal increments over a twenty (20) year term if the homeowner continuously occupies the property as their primary residence. For each year the property is occupied, the loan will be reduced at a rate of 5% per annum until the mortgage is extinguished. If the event the homebuyer dies, the heir is eligible to assume the mortgage if approved by SHIP Income Guidelines. Only the remaining portion of the obligation must be repaid to the Local Housing Assistance Trust Fund if any of the above events occur within the affordability period. In the event of default, the balance becomes due and payable in full.

**6. Recipient Selection Criteria:** The homeowner may not own another home, must claim homestead exemption on the home being occupied and considered for demo/reconstruction. Funds will be available to very-low and low income households and on a first-come, first-served basis. Applications will be prioritized and scored using the following qualifiers in order of priority upon receipt of the applications:

Priority 1: Elderly and disabled

Priority 2: Elderly or disabled

Priority 3: Single parent household

Priority 4: Lower income household

Priority 5: Time application was submitted

Any SHIP Applicant that has a judgment lien or other lien running in favor of the County will have thirty (30) days to submit proof that the lien has been cleared. Failure to provide proof will result in the SHIP Applicant being deemed ineligible to participate in the program.

7. **Sponsor Selection Criteria, if applicable:** N/A
  8. **Additional Information:** Applicants are only eligible to receive SHIP assistance once every ten (10) years with the exception of those affected by disaster and requiring emergency assistance.
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