

ORDINANCE 94- 2

AN ORDINANCE AMENDING ORDINANCE NO. 87-36
KNOWN AS THE NASSAU COUNTY FLOOD PLAIN
ORDINANCE; AMENDING ARTICLE III - DEFINITIONS;
AMENDING ARTICLE V - ADMINISTRATION; AMENDING
ARTICLE VI - PROVISIONS FOR FLOOD HAZARD
REDUCTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, FEMA has provided the Board of County Commissioners with amendments to the existing Flood Ordinance, and

WHEREAS, the Board has reviewed these amendments and held Public Hearings,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY that Ordinance No. 87-36 be amended as follows:

1. ARTICLE III - DEFINITIONS

Section 3.01 - Addition (to an existing building) - Means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Section 3.02 - Appeal

Section 3.03 - Area of Shallow Flooding

Section 3.04 - Area of Special Flood Hazard

Section 3.05 - Base Flood

Section 3.06 - Basement

Section 3.07 - Breakaway wall - Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Section 3.08 - Building

Section 3.09 - Coastal High Hazard Area

Section 3.10 - Development

Section 3.11 - Elevated Building - Means a non-basement building built to have the lowest floor elevated above the ground

level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Section 3.12 - "Flood" or "Flooding"

Section 3.13 - Flood Hazard Boundary Map (FHBM)

Section 3.14 - Flood Insurance Rate Map (FIRM)

Section 3.15 - Flood Insurance Study

Section 3.16 - Floodway

Section 3.17 - Floor

Section 3.18 - Functionally Dependent Facility - Means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Section 3.19 - Highest Adjacent Grade

Section 3.20 - Historic Structure - means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by (1) an approved state program as determined by the Secretary of the Interior in states without approved programs.

Section 3.21 - Lowest Floor - Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation

of the applicable non-elevation design requirements of sub-section 60.3.

Section ~~3.20~~ 3.22 - Mangrove Stand

Section ~~3.21~~ 3.23 - Manufactured Homes - As set forth in Florida Statutes 553.36(21).

Section ~~3.22~~ 3.24 - Mobile Homes - Means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, and similar transportable structures placed on a site for one hundred eighty (180) days or longer and intended to be improved property.

Section ~~3.24~~ 3.25 - National Geodetic Vertical Datum (NGVD)

Section ~~3.25~~ 3.26 - New Construction

Section ~~3.26~~ 3.27 - New Mobile Home Park or Mobile Home Subdivision

Section ~~3.27~~ 3.28 - Sand Dunes

Section ~~3.28~~ 3.29 - Start of Construction - (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual state of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Section ~~3.29~~ 3.30 - Structure

Section 3.31 - Substantial Damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Section ~~3.30~~ 3.32 - Substantial Improvement - ~~Means, any repair, reconstruction, or improvement of a structure,~~ means the total cost of reconstruction, alteration, rehabilitation, addition,

or other improvements to a building (including electrical, plumbing heating and air conditioning) taking place during a 10 year period, the cost of which equals or exceeds fifty 50 percent of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restore, before the damage occurred. building. The market value of the building is the appraised or assessed value of the building, less the land, prior to the start of the initial repair or improvement, or, in the case of damage, the value of the building prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. It does not include repairs for damage from any origin which are determined to be less than "substantial damage" as defined in this ordinance.

The term does not, however, include:

(1) Any project for improvement of a building required to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official, which have been cause for issuance of a citation or condemnation, and which are solely the minimum necessary to assure safe living conditions; or

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure", and for which a variance has been granted pursuant to this ordinance.

Section 3.31 3.33 - Variance - Is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Section 3.34 - Violation - Means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 60.04.04 and 60.04.05 is presumed to be in violation until such time as that documentation is provided.

ARTICLE V - ADMINISTRATION

Section 5.03 - Duties and Responsibilities of the Local Administrator.

(2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.

(10) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and the natural grade of and actual field conditions) the ~~County Engineer~~ Local Administrator shall make the necessary interpretation, and shall utilize the most accurate topographic mapping available. The elevations published in the FEMA Flood Insurance Study shall be the ruling reference for delineating the boundary of the floodplain. For V-Zones and coastal A Zones, the elevations to be used are those portrayed on the FIRMS, while for riverain flooding, the stream profile sheets shall be utilized. ~~The~~ A person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article. Property may not be excluded from the area of special flood hazard as a result of filling, unless a Letter of Map Revision has been approved by FEMA.

(11) When base flood elevation data or floodway data ~~has~~ have not been provided in accordance with ~~Article IV, Section 40.2,~~ then the ~~County Engineer~~ Local Administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of ~~Article VI.~~ this ordinance, Base flood elevation and floodway data shall be developed and provided for subdivision proposals and other proposed developments (including industrial parks, shopping centers, public facilities, and manufactured home parks and subdivisions) which contain at least 5 acres of Special Flood Hazard Area, or for which 50 lots are partially or wholly within said area. Such data shall be submitted to FEMA Region IV office within 30 days of receipt and acceptance by the community for review as a possible Map Revision.

Section 5.04 - Variance Procedures

(1) The Appeal Board shall be established by the Nassau County Board of County Commissioners and shall hear and decide appeals and requests for variances from the requirements of this ordinance. The Board of County Commissioners may be the Appeal Board.

ARTICLE VI - PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 6.01 - General Standards

(2) Mobile Homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements resisting wind forces.

(3)

(4)

(5)

(6)

(7)

(8)

(9) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Section 6.02 - Specific Standards

(4) - Elevated Buildings - New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwater to automatically equalize hydrostatic flood forces on exterior walls.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(i) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one (1) foot above grade; and,

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

(b) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

(c) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the

premises (standard exterior door) or entry to the living area (stairway or elevator); and

(d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(5) Floodways

(a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the flood discharge;

(c) Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision. A replacement mobile home may be placed on a lot in an existing mobile home park or subdivision provided the anchoring standards of Article 6, Section (3), and the elevation standards of this Ordinance are met.

(6) Coastal High Hazard Areas (V Zones)

(d) All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the one hundred (100) year mean recurrence interval (one percent annual chance flood).

(f) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The Administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:

(i) Particle composition of fill material does not have a tendency for excessive natural compaction;

(ii) Volume and distribution of fill will not cause wave deflection to adjacent properties; and

(iii) Slope of fill will not cause wave run-up or ramping.

(iv) If aesthetic lattice works or screening are utilized, such enclosed space shall not be used for human habitation; but shall be designated to be used only for parking of

vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.

Section 6.03 - Standards for Streams without Established Base Flood Elevations and or Floodways - Standards for Unnumbered "A" Zones and Streams for Which Floodways Have Not Been Established -

Located within the A-zone areas of special flood hazard established in Article IV, Section 4.02, where ~~small streams exist but where not base flood data has been provided or where no floodways have~~ are areas denoted with the letter "A" with no suffix, referred to as "unnumbered A zones". These are areas where special flood hazards exist but where no base flood or floodway data has been provided, the following provisions apply:

(1) No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to ~~ten times~~ five times the width of the stream at the top of bank ~~of or~~ twenty feet each side from top of bank, whichever is greater, unless ~~certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge~~ a floodway has been delineated in accordance with Section 4.02. If a floodway has been delineated, the requirements of Section 6.02(5) shall apply.

(2) New construction or substantial improvements of ~~structures buildings or manufactured homes~~ shall be elevated or flood-proofed in accordance with ~~elevations established in accordance with Article IV, Section 4.03~~ the design standards of Section 60.1 and 60.2 to the higher of the following:

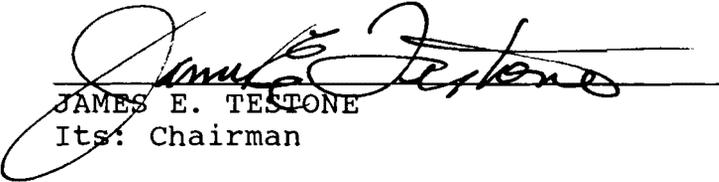
(i) the elevations established in accordance with Section 6.04(4), if available, or

(ii) at least 2 ft. above highest adjacent natural grade, or

(3) For all development projects, including mobile home parks and subdivisions, greater than 5 acres or 50 lots, whichever is lesser, base flood elevation and floodway data shall be provided in accordance with Section 6.04(4), as part of the development proposal.

DONE AND ADOPTED in regular session this 11th day of October, 1993.

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA


JAMES E. TESTONE
Its: Chairman

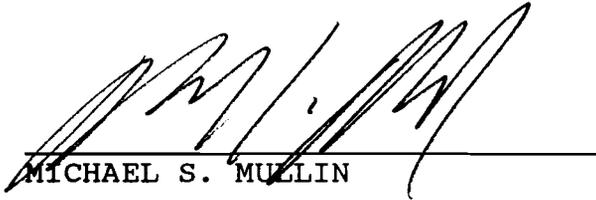
Attest:



T.J. GREESON

Its: Ex-Officio Clerk

Approved as to for by the
Nassau County Attorney


MICHAEL S. MULLIN

8/b:\floodord