Last Revision: 12/16/04

ORDINANCE NO. 05-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-1, DEFINITIONS FOR THE FLOOD PROTECTION ELEVATION; SECTION 10-192, SPECIAL DEVELOPMENT STANDARDS FOR ENVIRONMENTALLY SENSITIVE ZONES; SECTION 10-1701, SHORT TITLE; SECTION 10-1722, CERTIFICATION FOR CERTAIN CONSTRUCTION; SECTION 10-1736, GENERALLY; FOR MODIFICATIONS TO FLOOD PROTECTION ELEVATIONS AND FLOOD DEVELOPMENT STANDARDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Section 10-1 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-1. Definitions.

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

Flood protection elevation shall mean an elevation determined by ~~standard engineering practices which is the higher of~~ either subsection (1), (2), or (3) where a parcel is located in or adjacent to a drainage area subject to flooding, and for all parcels regardless of their location, subsection (4) as set forth below:

(1) where no base flood elevation has been determined by an engineering study or can not accurately be determined due to the lack of essential engineering data, ~~Two~~ three feet above the highest reasonably anticipated or historically recorded elevation of surface water in the drainage area ~~in which~~ where the development activity is to take place; or

~~(2) One foot above the level of the base flood elevation.~~

(2) where a less than fully developed upstream watershed was assumed and a base flood elevation was then determined either by an engineering study or by determining the depth of the discharge/flow over a natural topographic saddle, three feet above the level of the base flood elevation in the drainage area where the development activity is to take place; or

(3) where a fully developed upstream watershed was assumed and a base flood elevation was then determined either by an engineering study or by determining the depth of the discharge/flow over a natural topographic saddle, one and one-half feet above the level of the base flood elevation in the drainage area where the development activity is to take place; and

(4) in order to prevent flood damage due to overland sheet flow, a minimum of one foot higher than the finished grade elevation at a distance of five feet from the foundation for detached single family, duplex, triplex and quadraplex structures, except that garages and basements shall be protected in accordance with Section 10-1736(k).

Section 2. Section 10-192(e)(1)b. of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby amended as follows:

Sec. 10-192. Special development standards for environmentally sensitive zones.

Sec. 10-192.(a) thru (d) (no change)

(e) *Lake Iamonia special development zones.* Special development zones adjacent to Lake Iamonia are hereby designated within which the following minimum design and development standards shall apply, notwithstanding any less restrictive provisions in any state law or regulation or local ordinance:

(1) *Zone A.* Wetland and floodplain ecotone, up through and including elevation 110 feet NGVD:

a. *Development area limitations.* Clearing, soil disturbance, and building area shall not exceed the greater of 4,000 square feet or five percent of that part of the development site located in zone A, hereafter referred to as the base square footage. For purposes of calculating this base square footage, the septic tank and drainfield area shall not be included and gravel driveways kept on grade will be considered as 50% disturbed.

b. *Floor elevation.* No finished floor at or below elevation ~~109~~ 110 feet NGVD.

c. *Natural vegetation protection zone.* All vegetation shall be protected in a natural state from the water's edge or the normal water line, whichever provides the greater area of protection, to a minimum distance of 50 feet upland, except that established lawns existing on developed single-family lots prior to January 15, 1990, may continue to be maintained. Annual (or less frequent) burning within the natural vegetation protection zone is allowed, as well as selective removal of species which are intrusive to the native species, so as to improve the environmental function of the area.

d. *Motor vehicle prohibition.* Automobiles, motorcycles, dune buggies, or other wheeled motorized vehicles and tracked vehicles shall not be allowed within any portion of zone A, including any portion of lake bottom periodically exposed as a result of natural or artificial drawdown, except as follows:

1. Entry shall be allowed into those areas which must be entered to provide

reasonable access to structures, to approved boat launching areas, to public parks, to approved rights-of-way, or to public roadways.

2. Lawn mowers shall be allowed in areas within zone A which lie landward of the natural vegetation zone, and within the latter zone if permitted pursuant to subsection (e)(1)c., unless otherwise prohibited by this article.

3. Entry shall be allowed where associated with bona fide public uses, such as agency research, law enforcement, and approved lake restoration and management activities.

(2) *Zone B.* Transitional ecotone, from elevation 110 to elevation 120 NGVD:

a. *Development area limitations.* A minimum of 50 percent of each site within zone B shall remain natural and unaltered.

(3) *Prohibited land uses.* See Section 10-975.

Sec. 10-192.(f) thru (i) (no change)

(Ord. No. 92-3, § 1(7-17), 1-28-92; Ord. No. 95-14, § 8, 9-12-95)

Section 3. Section 10-1722 of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby amended as follows:

Sec. 10-1701. Short title.

The provisions of this article shall constitute and be known and may be titled as the floodplain management ordinance of the county adopted pursuant to the authority granted local government under Title 44 CFR 59 and 60. The County Administrator or designee shall administer and enforce all the provisions of this article. Any designee of the County Administrator shall be established in writing.

(Code 1980, § 7-50; Ord. No. 89-44, § 2(7-111), 12-12-89)

Section 4. Section 10-1722 of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby amended as follows:

Sec. 10-1722. Certification for certain construction.

Every application for a building permit for a new building to be constructed shall be accompanied by a flood certificate from a professional civil engineer registered in the state unless the application is for an accessory structure of minimal value and is less than 300 square feet. The certificate at a minimum shall have the following information submitted to the County:

(1) The certificate shall certify one of the following statements:

(a) All of the property is at or above the flood protection elevation as set forth in subsections (1), (2), and (3) of the flood protection elevation definition in Section 10-1.

(b) Some or all of the property is located ~~within~~ below the ~~existing~~ 100 year flood elevation (base flood elevation). The base flood elevation must be provided along with the flood protection elevation and the required minimum finished floor elevation.

(c) All of the property is located at or above the 100 year flood elevation (base flood elevation), but some or all of the property is lower than the flood protection elevation as set forth in subsections (1), (2), and (3) of the flood protection elevation definition in Section 10-1. The base flood elevation must be provided along with the flood protection elevation and the required minimum finished floor elevation.

(2) Where appropriate, ~~T~~the certificate may ~~shall~~ certify one of the following statements:

(a) The site of the proposed building is ~~not~~ in an area ~~subject to flooding~~ of the parcel that is at or above the 100-year (base flood) elevation as determined by a site plan with building location shown; or

(b) The following describes the area of the parcel ~~located outside the floodplain~~ that is at or above the 100-year (base flood) elevation. This statement should be followed by a layman's description of the area outside of the floodplain.

(3) The Flood Insurance Rate Map (FIRM) panel number on which the property is located.

(4) The parcel ID number.

(5) The designated zone for the parcel from the FIRM maps.

(6) A statement certifying that the site has been visited by the engineer.

(7) The flood certificate must be signed and sealed by a professional civil engineer registered in the state in accordance with 61G15-23.002 F.A.C. The certificate will not be accepted if it is older than five years.

(8) The engineer shall review all potential flood information sources to make a determination as to whether the property is located within a flood zone. At a minimum, the following sources must be reviewed:

(a) Topographic information in 2 foot or 4 foot contour intervals.

(b) FIRM rate maps and accompanying profiles.

(c) Any study or model available through the County files that would have pertinent flood elevation information.

(d) Any plat, subdivision, site plan or environmental permit file that would have pertinent flood elevation information.

(e) Aerial Photos

(9) If any portion of the parcel is located in a flood area other than zone AE, whether FEMA designated or not, then the engineer shall determine an appropriate base flood elevation, a corresponding flood protection elevation, and a required minimum finished floor elevation. Supporting documentation for the base flood elevation must also be submitted with the flood certificate. At a minimum the following must be done:

(a) Topographic information must be reviewed with 2 foot or 4 foot contour intervals. This information should be submitted with the flood certificate. Upstream and downstream constrictions should be analyzed.

(b) Review any model or plat available through the County files that would have pertinent flood elevation information.

(c) Where sufficient information is not conclusive for determining a 100-year base flood elevation, the elevation should be determined as identified in FEMA's publication titled: "Managing Floodplain Development in Approximate Zone A Areas", April 1995 or its successor.

(Code 1980, § 7-54(1); Ord. No. 89-44, § 2(7-115), 12-12-89)

Section 5. Section 10-1736 of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby amended as follows:

Sec. 10-1736. Generally.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) All new or replacement water supply systems and sanitary sewage systems constructed in the special flood hazard areas shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters, and all on-site waste disposal systems shall be located so as to avoid impairment of them or contamination during flooding.

(c) All new construction and substantial improvements of residential structures located within or in close proximity to special flood hazard areas designated on the FIRM's, FHBM's or FBFM's, or

located within or in close proximity to other (i.e. non-designated) areas that are subject to flooding, shall be designed to have the lowest floor (including basement) elevated to at least the flood protection elevation level or depth number specified for flood hazard areas unless the county is granted an exception by the Federal Emergency Management Agency (FEMA) for the allowance of basements. Additions to existing residential structures are allowed to maintain the lowest floor at the flood protection elevation level as originally permitted unless identified by FEMA as a repetitive loss structure. All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the flood protection elevation and is securely anchored to an adequately anchored foundation system in accordance with the provisions of subsections (a) and (e) of this section.

Sec. 10-1736. (d) thru (i) (same)

(j) In order to prevent flood damage due to overland sheet flow, all newly constructed detached single family, duplex, triplex and quadraplex structures and substantial improvements of structures, regardless of their location in or outside of an area subject to flooding, shall have their lowest finished floor elevation a minimum of one foot higher than the finished grade elevation at a distance of five feet from the foundation.

(k) The site shall be graded to prevent overland sheetflow from entering into garages and basements.

(Code 1980, § 7-56; Ord. No. 89-44, § 2(7-117), 12-12-89)

Section 6. Conflicts

All ordinances or parts of ordinances in conflict with the provisions of the Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.

Section 7. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 8. Effective Date

This ordinance shall be effective on May 1, 2005.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this ____ of _____.

LEON COUNTY, FLORIDA

BY:_____
CLIFF THAELL, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

BY: _____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY