

ORDINANCE NO. 2014 - 6

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF ARTICLE XIII OF THE CLAY COUNTY LAND DEVELOPMENT CODE, BEING THE CODIFICATION OF ORDINANCE 2014-3, AND COMPRISING THE FLOODPLAIN MANAGEMENT REGULATIONS TO CORRECT NUMERICAL REFERENCES, BY AMENDING SECTION 13-5, SITE PLANS AND CONSTRUCTION DOCUMENTS, TO REVISE SUBSECTIONS (1)(b) and (1)(c); AMENDING SECTION 13-6, INSPECTIONS, TO REVISE SUBSECTION (3)(b); AMENDING SECTION 13-7, VARIANCES AND APPEALS, TO REVISE SUBSECTION (5); AMENDING SECTION 13-11, SUBDIVISIONS, TO REVISE SUBSECTION (2)(b); AMENDING SECTION 13-16, OTHER DEVELOPMENT, BY REVISING SUBSECTION (4); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. As used in Sections 2 through 7 of this ordinance, the Terms "Article XIII" shall mean and refer to Article XIII of the Clay County Land Development Code, being the codification of Ordinance No. 2014-3 and, as subsequently amended, comprising the General Provisions of said Code.

Section 2. Subsection (1) of Section 13-5 (Site Plans and Construction Documents) of Article XIII is hereby amended to read in its entirety as follows:

- (1) **Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:
 - (a) 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.
 - (b) Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 13-5(2) (b) or (c) of this article.
 - (c) Where the parcel on which the proposed development will take place will have more than 6 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 13-5(2)(a) ~~or (b)~~ of this article.

[Additions are underlined; deletions are ~~stricken~~.]

Section 3. Subsection (3) of Section 13-6 (Inspections) of Article XIII is hereby amended to read in its entirety as follows:

- (3) **Buildings, structures and facilities exempt from the Florida Building Code.** The Floodplain Administrator shall inspect, or cause to be inspected, buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this article and the conditions of issued floodplain development permits.
- (a) **Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.** Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:
1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 13-5(2)(c) of this article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- (b) **Buildings, structures and facilities exempt from the Florida Building Code, final inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 13-6(23)(a) of this article.

Section 4. Subsection (5) of Section 13-7 (Variances and Appeals) of Article XIII is hereby amended to read in its entirety as follows:

- (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 article, provided the variance meets the requirements of Section 13-7(3)(a), 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.

Section 5. Subsection (2) of Section 13-11 (Subdivisions) of Article XIII is hereby amended to read in its entirety as follows:

[Additions are underlined; deletions are ~~stricken~~.]

(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:

(a) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;

(b) Where the subdivision has more than 6 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 13-5(2)(a) ~~or (b)~~ of this article; and

Section 6. Subsection (4) of Section 13-16 (Other Development) of Article XIII is hereby amended to read in its entirety as follows:

(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 Section ~~303.4~~ 13-12(4) of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 13-5(3)(c) of this article.

Section 7. If any section, phrase, sentence or portion of the ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent and severable provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 8. This ordinance shall become effective as prescribed by Florida general law.

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[Additions are underlined; deletions are ~~stricken~~.]

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this 8th day of April, 2014.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

By: Wendell D. Davis
Wendell D. Davis
Its Chairman

ATTEST:

S. C. Kopelousos
S. C. Kopelousos
County Manager and Clerk of the
Board of County Commissioners

[Additions are underlined; deletions are ~~stricken~~.]