

Levy County Board of County Commissioners

Agenda Item Summary

1. **NAME/ORGANIZATION/TELEPHONE:**

BILL HAMMOND, DEVELOPMENT DIRECTOR

2. **MEETING DATE:**

January 17, 2017

3. **REQUESTED MOTION/ACTION:** (Public Hearing) Ordinance No. 2017-01 Flood Damage Prevention Regulations

4. **Agenda Presentation**

Time Requested: _____
(Request will be granted if possible)

ALLOTTED TIME NOT MORE THAN 15 MINUTES

5. **IS THIS ITEM BUDGETED (IF APPLICABLE) ?** YES ___ NO ___ IF NO, STATE ACTION REQUIRED

BUDGET ACTION:

FINANCIAL IMPACT SUMMARY STATEMENT:

DETAILED ANALYSIS ATTACHED?: YES ___ NO ___ BUDGET OFFICER APPROVAL _____ DATE

6. **BACKGROUND:** (WHY IS THE ACTION NECESSARY, AND WHAT ACTION WILL BE ACCOMPLISHED)

AN ORDINANCE OF LEVY COUNTY, FLORIDA, PROVIDING THAT THE LEVY COUNTY CODE BE AMENDED BY AMENDING CHAPTER 50, THE LAND DEVELOPMENT CODE, RELATED TO FLOOD DAMAGE PREVENTION REGULATIONS; AMENDING CERTAIN DEFINITIONS IN SECTION 50-1 OF THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 50, ARTICLE VI OF THE LAND DEVELOPMENT CODE OF SUCH LEVY COUNTY CODE PROVIDING FOR ADOPTION OF FLOOD HAZARD MAPS AND AMENDMENTS RELATED TO FLOOD DAMAGE PREVENTION; PROVIDING A REPEALING CLAUSE; PROVIDING FOR APPLICABILITY; PROVIDING FOR INCLUSION OF RECITALS; PROVIDING FOR INCLUSION IN THE LEVY COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

7. **RECOMMENDED APPROVAL AND DATE** (YES & NO BLOCK INDICATE IF APPROVAL IS/IS NOT REQUIRED)

DEPARTMENT DIRECTOR	OTHER	OTHER	OTHER	COUNTY ATTORNEY	COUNTY COORDINATOR
YES <input checked="" type="checkbox"/> NO	YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO

8. **COMMISSION ACTION:**

APPROVED

DENIED

DEFERRED DATE TO BRING BACK:

OTHER SPECIFY:

1 hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise
2 unprotected from flood damages; and

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

9 **WHEREAS**, Levy County was accepted for participation in the National Flood Insurance
10 Program on March 1, 1984, and the Board desires to continue to meet the requirements of Title
11 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

12 **WHEREAS**, the Board desires to amend the flood damage prevention provisions of
13 Chapter 50, Levy County Code, adopted October 16, 2012 by Ordinance 2012-04, to minimize
14 flood losses and protect the public health, safety and welfare from the costs associated with flood
15 losses, and to meet requirements of the Federal Emergency Management Agency for flood
16 damage prevention;

17 **BE IT ORDAINED**, by the Board of County Commissioners of Levy County, Florida:

18 **SECTION 1. Amendment of Section 50-1 Code Definitions.** Section 50-1, Levy County
19 Code, is hereby amended by amending the amending the definitions contained in such Section
20 50-1 as set forth below in this section (additions shown as underlined, deletions shown as ~~stricken~~

1 through), with the remainder of the definitions contained in Section 50-1 to remain unchanged by
2 this section:

3 **Sec. 50-1. Definitions.**

4
5 ...

6
7 *Appeal* means a request for a review of the interpretation or administrative application of
8 any provision of this chapter by the zoning officer or other county administrative staff or county
9 official whose power or duty it is to enforce or administer the provisions of this chapter, or a
10 request for a review of the interpretation or administrative application of any provision of the flood
11 damage prevention provisions of this chapter by the floodplain administrator, ~~or a request for a~~
12 ~~variance from the provisions of this chapter, whichever the context indicates.~~

13
14 ...

15
16 *Lowest floor* means the lowest floor of the lowest enclosed area of a building or structure,
17 including basement (as that term is defined for the flood damage prevention provisions of article
18 VI of this chapter), but excluding any unfinished or flood-resistant enclosure, other than a
19 basement, usable solely for vehicle parking, building access, or limited storage, provided that such
20 enclosure is not built so as to render the structure in violation of the non-elevation requirements of
21 the Florida Building Code or ASCE 24.

22
23 ...

24
25 *Park trailer* means a transportable unit which has a body width not exceeding fourteen (14)
26 feet and which is built on a single chassis and is designed to provide seasonal or temporary living
27 quarters when connected to utilities necessary for operation of installed fixtures and appliances,
28 and which meets the requirements of section 320.01, Florida Statutes, for a park trailer.

29
30 ...

31
32 *Recreational vehicle* means a vehicle, ~~including a park trailer,~~ that is designed as temporary
33 living quarters for recreational camping, or travel use, which either has its own motive power or is
34 mounted on or drawn by another vehicle, the basic types of such vehicles being the travel trailer,
35 the camping trailer, the truck camper, the motor home, the private motor coach, the van
36 conversion, the park trailer, and the fifth-wheel trailer, all as defined and limited as provided in
37 section 320.01, Florida Statutes.:

38
39 (a) ~~Built on a single chassis;~~

40
41 (b) ~~Four hundred (400) square feet or less when measured at the largest horizontal~~

1 projection;

2
3 ~~(c) Designed to be self-propelled or permanently towable by a light-duty truck; and~~

4
5 ~~(d) Designed primarily not for use as a permanent dwelling but as temporary living~~
6 ~~quarters for recreational, camping, travel, or seasonal use.~~
7

8 ...
9

10 *Start of construction* means the date of issuance of a building permits for new construction
11 and substantial improvements to an existing structure, provided the actual start of construction,
12 repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days
13 of the permit issuance date. The actual start of construction means either the first placement of
14 permanent construction of a structure (including a manufactured home) on a site, such as the
15 pouring of slab or footings, the installation of piles, the construction of columns, or any work
16 beyond the stage of excavation, or the placement of a manufactured home on a foundation.
17 Permanent construction does not include land preparation such as clearing, grading or filling, the
18 installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the
19 erection of temporary forms or the installation of accessory buildings such as garages or sheds
20 not occupied as dwelling units or not part of the main structure. For a substantial improvement,
21 the actual start of construction means the first alteration of any wall, ceiling, floor, or other
22 structural part of a building, whether or not that alteration affects the external dimensions of the
23 building.
24

25 **SECTION 2. Amendment of Section 50-227 of Code.** Section 50-227(c), Levy County

26 Code, is hereby amended as follows (additions shown as underlined, deletions shown as ~~stricken~~
27 ~~through~~), with the remainder of such Section 50-227 to remain unchanged:
28

29 **Sec. 50-227. Applicability.**
30

31 ...
32

33 (c) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Levy
34 County, Florida, and Incorporated Areas, Flood Insurance Study Number ~~12075CV000CA~~ dated
35 February 3, 2017, ~~November 2, 2012~~, and all subsequent amendments and revisions, and the
36 accompanying flood insurance rate maps, and all subsequent amendments and revisions to such
37 maps, are adopted by reference as a part of this article and shall serve as the minimum basis for
38 establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at
39 the county development department, 622 East Hathaway Avenue, Bronson, Florida, or at such

1 other address for the development department as may be determined by the board of county
2 commissioners.
3

4 **SECTION 3. Amendment of Sec. 50-246 of Code.** Sections 50-246(d) and 50-246(i),

5 Levy County Code, are hereby amended as follows (additions shown as underlined, deletions
6 shown as ~~stricken through~~), with the remainder of such Section 50-246 to remain unchanged:

7 **Sec. 50-246. Duties and powers of the floodplain administrator.**
8
9

10
11 (d) **Substantial improvement and substantial damage determinations**~~Determinations for~~
12 ~~existing buildings and structures.~~ For applications for building permits to improve buildings and
13 structures, including but not limited to alterations, movement, enlargement, replacement, repair,
14 change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of
15 substantial damage, and any other improvement of or work on such buildings and structures, the
16 floodplain administrator, in coordination with the building official, shall:

- 17 (1) Estimate the market value, or require the applicant to obtain an appraisal of the
18 market value prepared by a qualified independent appraiser, of the building or
19 structure before the start of construction of the proposed work; in the case of repair,
20 the market value of the building or structure shall be the market value before the
damage occurred and before any repairs are made;
- 22 (2) Require the applicant to provide the cost to perform the improvement, the cost to
23 repair a damaged building to its pre-damaged condition, or the combined costs of
24 improvements and repairs, if applicable, and compare such costs to the market
25 value of the building or structure;
- 26 (3) Determine and document whether the proposed work constitutes substantial
27 improvement or repair of substantial damage; and
- 28 (4) Notify the applicant if it is determined that the work constitutes substantial
29 improvement or repair of substantial damage and that compliance with the flood
30 resistant construction requirements of the Florida Building Code and this article is
31 required.

32 ...
33
34 (i) **Floodplain management records.** Regardless of any limitation on the period required
35 for retention of public records, the floodplain administrator shall maintain and permanently keep
36 and make available for public inspection all records that are necessary for the administration of
37 this article and the flood resistant construction requirements of the Florida Building Code,

1 including flood insurance rate maps, letters of map change, records of issuance of permits and
2 denial of permits, determinations of whether proposed work constitutes substantial improvement
3 or repair of substantial damage, required design certifications and documentation of elevations
4 specified by the Florida Building Code and this article, notifications to adjacent communities,
5 FEMA, and the state related to alterations of watercourses, assurances that the flood carrying
6 capacity of altered watercourses will be maintained, documentation related to appeals and
7 variances that includes justification for issuance or denial, and records of enforcement actions
8 taken pursuant to this article and the flood resistant construction requirements of the Florida
9 Building Code. These records shall be available for public inspection during normal business
10 hours at the county development department, 622 East Hathaway Avenue, Bronson, Florida, or at
11 such other address for the development department as may be determined by the board of county
12 commissioners.

13
14
15 **SECTION 4. Amendment of Sec. 50-248 of Code.** Sections 50-248(a), 50-248(b) and
16 50-248(c), Levy County Code, are hereby amended as follows (additions shown as underlined,
17 deletions shown as ~~stricken through~~), with the remainder of such Section 50-248 to remain
18 unchanged:

19 **Sec. 50-248. Site plans and construction documents.**

20
21 (a) *Information for development in flood hazard areas.* The site plan or construction
22 documents for any development subject to the requirements of this article shall be provided in
23 duplicate and drawn to scale and shall include, as applicable to the proposed development:

- 24 (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base
25 flood elevation(s), and ground elevations if necessary for review of the proposed
26 development.
- 27 (2) Where ~~flood hazard areas~~, base flood elevations, or floodway data are not included
28 on the FIRM or in the flood insurance study, they shall be established in accordance
29 with section 50-248(b)(2) or 50-248(b)(3) of this article.
- 30 (3) Where the parcel on which the proposed development will take place will have more
31 than 50 lots or is larger than 5 acres and the base flood elevations are not included
32 on the FIRM or in the flood insurance study, such elevations shall be established in
33 accordance with section 50-248(b)(1) ~~or (2)~~ of this article.
- 34 (4) Location of the proposed activity and proposed structures, and locations of existing
35 buildings and structures; in coastal high hazard areas, new buildings and
36 substantially improved buildings shall be located landward of the reach of mean
37 high tide if no beach or dunes are present, otherwise, the same shall be located a

1 minimum of 75 feet from the landward reach of mean high tide.

- 2 (5) Location, extent, amount, and proposed final grades of any filling, grading, or
3 excavation.
- 4 (6) Where the placement of fill is proposed, the amount, type, and source of fill
5 material, compaction specifications, a description of the intended purpose of the fill
6 areas, and evidence that the proposed fill areas are the minimum necessary to
7 achieve the intended purpose.
- 8 (7) Delineation of the coastal construction control line or notation that the site is
9 seaward of the coastal construction control line, if applicable.
- 10 (8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such
11 alteration is approved by the Florida Department of Environmental Protection.
- 12 (9) Existing and proposed alignment of any proposed alteration of a watercourse, plus
13 name, address, and other contact information regarding responsible maintenance
14 entity for any portion of a watercourse proposed to be altered or relocated so that
15 flood-carrying capacity is not diminished.
- 16 (10) In any instance, where undetermined flood hazards or location of a development on
17 any lot or parcel of land with identified flood hazards, leaves uncertainties in
18 determining elevation or flood requirements, the floodplain administrator may
19 require the site plan to depict flood hazards, flood elevations, existing and proposed
20 buildings in relation to all property lines, and topographical details prepared by a
21 Florida licensed registered professional engineer. Such site plan shall bear the
22 engineer's seal and signature.
- 23 (11) Any other information as may be required by the floodplain administrator.

24
25 The floodplain administrator is authorized to waive the submission of site plans, construction
26 documents, and other data that are required by this article but that are not required to be prepared
27 by a registered design professional if it is found that the nature of the proposed development is
28 such that the review of such submissions is not necessary to ascertain compliance with this
29 article.

30
31 (b) *Information in flood hazard areas without base flood elevations (approximate Zone*
32 *A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not
33 been provided, the floodplain administrator shall:

- 34
35 (1) Require the applicant to include base flood elevation data prepared in accordance
36 with currently accepted engineering practices.
- 37
38 (2) Obtain, review, and provide to an applicant base flood elevation and floodway data
39 available from a federal or state agency or other source or require the applicant to

1 obtain and use base flood elevation and floodway data available from a federal or
2 state agency or other source; ~~or~~

3
4 (32) Where base flood elevation and floodway data are not available from another
5 source, where the available the data are deemed by the floodplain administrator to
6 not reasonably reflect flooding conditions, or where the available data are known to
7 be scientifically or technically incorrect or otherwise inadequate:

- 8 a. Require the applicant to include ~~develop~~ base flood elevation data prepared
9 in accordance with currently accepted engineering practices; or
10 b. Specify that the base flood elevation is two (2) ~~three~~ feet above the highest
11 adjacent grade at the location of the development, provided there is no
12 evidence indicating flood depths have been or may be greater than two
(2) ~~three~~ feet.

13 (43) Where the base flood elevation data are to be used to support a letter of map
14 change from FEMA, advise the applicant that the analyses shall be prepared by a
15 Florida licensed engineer in a format required by FEMA, and that it shall be the
16 responsibility of the applicant to satisfy the submittal requirements and pay the
17 processing fees.

18
19 (c) *Additional analyses and certifications.* As applicable to the location and nature of
20 the proposed development activity, and in addition to the requirements of this section, the
21 applicant shall have the following analyses or certifications signed and sealed by a Florida
22 licensed registered engineer for submission with the site plan and construction documents:

23 (1) For development activities proposed to be located in a regulatory floodway, a
24 floodway encroachment analysis that demonstrates that the encroachment of the
25 proposed development will not cause any increase in base flood elevations; where
26 the applicant proposes to undertake development activities that do increase base
27 flood elevations, the applicant shall submit such analysis to the applicable water
28 management district for review and approval and to FEMA as specified in section
29 50-248(d) of this article, and shall submit the conditional letter of map change, if
30 issued by FEMA, with the site plan and construction documents.

31 (2) For development activities proposed to be located in a riverine flood hazard area for
32 which base flood elevations are included in the flood insurance study or on the
33 FIRM and floodways have not been designated, hydrologic and hydraulic analyses
34 that a floodway encroachment analysis which demonstrates that the cumulative
35 effect of the proposed development, when combined with all other existing and
36 anticipated flood hazard area encroachments, will not increase the base flood
37 elevation more than one (1) foot at any point within the community. The applicant
38 shall also submit this analysis to the applicable water management district for review
39 and approval. This requirement does not apply in isolated flood hazard areas not

1 connected to a riverine flood hazard area or in flood hazard areas identified as Zone
2 AO or Zone AH.

3 (3) For alteration of a watercourse, an engineering analysis prepared in accordance
4 with standard engineering practices which demonstrates that the flood-carrying
5 capacity of the altered or relocated portion of the watercourse will not be decreased,
6 and certification that the altered watercourse shall be maintained in a manner which
7 preserves the channel's flood-carrying capacity; the applicant shall submit the
8 analysis to FEMA as specified in section 50-248(d) of this article.

9 (4) For activities that propose to alter sand dunes or mangrove stands in coastal high
10 hazard areas (Zone V), an engineering analysis that demonstrates that the
11 proposed alteration will not increase the potential for flood damage.
12

13
14 **SECTION 5. Amendment of Sec. 50-249 of Code.** Sections 50-249(d) and 50-249(g),

15 Levy County Code, are hereby amended as follows (additions shown as underlined, deletions
16 shown as ~~stricken through~~), with the remainder of such Section 50-249 to remain unchanged:

17 **Sec. 50-249. Inspections.**

18
19 ...

20
21 (d) *Buildings, structures and facilities exempt from the Florida Building Code, lowest*
22 *floor inspection.* Upon placement of the lowest floor, including basement, and prior to further
23 vertical construction, the owner of a building, structure or facility exempt from the Florida Building
24 Code, or the owner's authorized agent, shall submit to the floodplain administrator:

- 25 (1) If a design flood elevation was used to determine the required elevation of the
26 lowest floor, the certification of elevation of the lowest floor prepared and sealed by
27 a Florida licensed professional surveyor; or
- 28 (2) If the elevation used to determine the required elevation of the lowest floor was
29 determined in accordance with section 50-248(b)(~~32~~)b. of this article, the
30 documentation of height of the lowest floor above highest adjacent grade, prepared
31 by the owner or the owner's authorized agent.

32 ...

33
34 (g) *Manufactured homes.* The floodplain administrator shall inspect manufactured
35 homes that are installed or replaced in flood hazard areas to determine compliance with the
36 requirements of this article and the conditions of the issued permit. Upon placement of a
37 manufactured home, certification of the elevation of the lowest floor shall be submitted to the
38 floodplain administrator building official.

1
2
3 **SECTION 6. Amendment of Sec. 50-250 of Code.** Section 50-250(b), Levy County

4 Code, is hereby amended as follows (additions shown as underlined, deletions shown as ~~stricken~~
5 ~~through~~), with the remainder of such Section 50-250 to remain unchanged:

6 **Sec. 50-250. Variances and appeals.**

7
8 ...

9
10 (b) *Appeals.* The board of adjustment shall hear and decide appeals when it is alleged
11 there is an error in any requirement, decision, or determination made by the floodplain
12 administrator in the administration and enforcement of this article. Any person aggrieved by the
13 decision of the board of adjustment may appeal such decision as provided by applicable laws and
14 regulations.

15
16
17 **SECTION 7. Amendment of Sec. 50-267 of Code.** Section 50-267(b), Levy County

18 Code, is hereby amended as follows (additions shown as underlined, deletions shown as ~~stricken~~
19 ~~through~~), with the remainder of such Section 50-267 to remain unchanged:

20 **Sec. 50-267. Subdivisions.**

21
22 ...

23
24 (b) *Subdivision plats.* Where any portion of proposed subdivisions, including but not
25 limited to manufactured home parks and subdivisions, lies within a flood hazard area, the following
26 shall be required:

- 27 (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design
28 flood elevations, as appropriate, shall be shown on preliminary plats ~~and final plats~~;
- 29 (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base
30 flood elevations are not included on the FIRM, the base flood elevations determined
31 in accordance with section 50-248(b)(1) ~~or (2)~~ of this article;
- 32 (3) Compliance with the site improvement and utilities requirements of section 50-268
33 of this article.
- 34
35 ~~(4) The following flood hazard warning shall be prominently displayed on the plat:~~

~~FLOOD HAZARD WARNING~~

~~Portions or all of this property are subject to flooding. The local building official or floodplain administrator should be contacted to obtain the latest information regarding flood elevations and restrictions on development before making plans for the use of the property;~~

~~(5) Roads. All roads shall be constructed to specifications set forth in the applicable county codes, regulations, and administrative guidelines for road construction, and if possible, constructed at natural grade, but in any event, the road shall be designed to accommodate the natural flow of water. The stormwater management plan shall be certified by a Florida registered professional engineer;~~

~~(6) Permanent elevation monuments. The developer shall install permanent elevation monuments for each lot within a subdivision. The monument may be shared by adjacent lots; and~~

~~(7) Wastewater disposal. If a mound absorption system is necessary to comply with the requirements of chapter 64E-6, F.A.C., as the same may be amended, for proper functioning, then the minimum lot or parcel size shall be one 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 article. The volume of fill used in mound absorption systems shall be limited to 160 cubic yards of fill. For areas where septic tank systems do not meet the requirements of this article or the state, alternative wastewater disposal systems approved by the state must be utilized.~~

SECTION 8. Amendment of Sec. 50-268 of Code. Sections 50-268(d) and 50-268(f),

Levy County Code, are hereby amended as follows (additions shown as underlined, deletions shown as ~~stricken through~~), with the remainder of such Section 50-268 to remain unchanged:

Sec. 50-268. Site improvements, utilities and limitations.

...

(d) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 50-248(~~cb~~)(1) of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

1
2
3
4 (f) *Limitations on sites in coastal high hazard areas (zone V).* In coastal high hazard
5 areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is
6 approved by the Florida Department of Environmental Protection and only if the engineering
7 analysis required by section 50-248(c)(4) of this article demonstrates that the proposed
8 alteration will not increase the potential for flood damage. Construction or restoration of dunes
9 under or around elevated buildings and structures shall comply with section 50-272(h)(3) of this
10 article.
11

12 **SECTION 9. Amendment of Sec. 50-269 of Code.** Sections 50-269(a), 50-269(b) and
13 Section 50-269(g), Levy County Code, are hereby amended as follows (additions shown as
14 underlined, deletions shown as ~~stricken through~~), with the remainder of such Section 50-269 to
15 remain unchanged:

16 **Sec. 50-269. Manufactured homes.**

17
18 (a) *General.* All manufactured homes installed in flood hazard areas shall be installed
19 by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the
20 requirements of Chapter 15C-1, F.A.C. and the requirements of this article. If located seaward of
21 the coastal construction control line, all manufactured homes shall comply with the more restrictive
22 of the applicable requirements.
23

24 (b) *Foundations.* All new manufactured homes and replacement manufactured homes
25 installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

26
27 (1) In flood hazards areas (Zone A) other than coastal high hazard areas, are designed
28 in accordance with the foundation requirements of the Florida Building Code:
29 Residential Section R322.2 and this article. In regulatory floodways, the
30 foundations shall be designed and certified by a Florida licensed engineer or
31 architect. Foundations for manufactured homes subject to section 50-269(f) of this
32 article are permitted to be reinforced piers or other foundation elements of at least
33 equivalent strength.
34

35 (2) In coastal high hazard areas (Zone V), are designed in accordance with the
36 foundation requirements of the Florida Building Code: Residential Section R322.3
37 and this article.

1 ...
2
3 (g) *Enclosures.* ~~Fully enclosed~~ areas below elevated manufactured homes shall
4 comply with the requirements of the Florida Building Code: Residential Section R322.2 or R322.3
5 for such enclosed areas, as applicable to the flood hazard area.
6
7

8 **SECTION 10. Amendment of Sec. 50-272 of Code.** Sections 50-272(a) and Section 50-
9 272(g), Levy County Code, are hereby amended as follows (additions shown as underlined,
10 deletions shown as ~~stricken through~~), with the remainder of such Section 50-272 to remain
11 unchanged:

12 **Sec. 50-272. Other development.**

13
14 (a) *General requirements for other development.* All development, including man-made
15 changes to improved or unimproved real estate for which specific provisions are not specified in
16 this article or the Florida Building Code, shall:

- 17 (1) Be located and constructed to minimize flood damage;
- 18 (2) Meet the limitations of section 50-268(d) of this article if located in a regulated
19 floodway;
- 20 (3) Be anchored to prevent flotation, collapse or lateral movement resulting from
21 hydrostatic loads, including the effects of buoyancy, during conditions of the design
22 flood;
- 23 (4) Be constructed of flood damage-resistant materials; and
- 24 (5) Have mechanical, plumbing, and electrical systems, and heating, ventilation and air
25 conditioning equipment, and other service facilities including but not limited to duct
26 work, designed and located above the design flood elevation or meet the
27 requirements of ASCE 24, except that minimum electric service required to address
28 life safety and electric code requirements is permitted below the design flood
29 elevation provided it conforms to the provisions of the electrical part of building code
30 for wet locations.

31 ...
32
33 (g) *Other development in coastal high hazard areas (Zone V).* In coastal high hazard
34 areas, development activities other than buildings and structures shall be permitted only if also
35 authorized by the appropriate federal, state or local authority; if located outside the footprint of,
36 and not structurally attached to, buildings and structures; and if analyses prepared by qualified

1 registered design professionals demonstrate no harmful diversion of floodwaters or wave runup
2 and wave reflection that would increase damage to adjacent buildings and structures. Such other
3 development activities include but are not limited to:

- 4 (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control
5 structures;
- 6 (2) Solid fences and privacy walls, and fences prone to trapping debris, unless
7 designed and constructed to fail under flood conditions less than the design flood or
8 otherwise function to avoid obstruction of floodwaters; and
- 9 (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as
10 filled systems or mound systems.
11

12
13 **SECTION 11. Repealer.** Any and all ordinances, resolutions or regulations or parts of
14 ordinances, resolutions or regulations in conflict herewith are hereby repealed to the extent of any
15 conflict.

16 **SECTION 12. Applicability.** For the purposes of jurisdictional applicability, this ordinance
17 shall apply in all unincorporated areas of the county. This ordinance shall apply to all applications
18 for development, including building permit applications and subdivision proposals, submitted on or
after February 3, 2017.

20 **SECTION 13. Inclusion of Recitals.** The recitals contained in this ordinance are
21 incorporated herein by reference and made a part hereof.

22 **SECTION 14. Inclusion into the Levy County Code.** It is the intent of the board of
23 county commissioners that the provisions of this ordinance shall become and be made a part of
24 the Levy County Code, and, to the extent not otherwise provided for herein, that the sections of
25 this ordinance may be renumbered or relettered and the word "ordinance" may be changed to
26 "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish
27 such intentions.

Levy County Board of County Commissioners
Agenda Item Summary

1. DEPARTMENT MAKING REQUEST/NAME/EXTENSION:

Anne Bast Brown, Ext. 3389

2. MEETING DATE:

January 17, 2017

3. REQUESTED MOTION/ACTION:

Conduct public hearing on Ordinance 2017-002 for moratorium on medical marijuana activities.

4. IS THIS ITEM BUDGETED (IF APPLICABLE)? YES__ NO__ IF NO, STATE ACTION REQUIRED

BUDGET ACTION:

DETAILED ANALYSIS ATTACHED?: YES__ NO__ BUDGET OFFICER APPROVAL NOT APPLICABLE DATE _____

FUNDING SOURCE: ACCOUNT NUMBER:

5. BACKGROUND: (WHY IS THE ACTION NECESSARY, AND WHAT ACTION WILL BE ACCOMPLISHED)

At its meeting on December 6, 2016, the Board directed staff to prepare and present an ordinance imposing a moratorium on medical marijuana activities. The Planning Commission (sitting as the local planning agency) held a public hearing on the Ordinance on January 9, 2017, and found it to be consistent with the Comprehensive Plan. The Board is requested to conduct the first of two public hearings on the Ordinance. The second and final public hearing is scheduled for February 7, 2017, at which time the Board will be requested to adopt the Ordinance.

6. RECOMMENDED APPROVAL AND DATE (YES & NO BLOCK INDICATE IF APPROVAL IS/IS NOT REQUIRED)

DEPARTMENT DIRECTOR YES__ NO__	OTHER YES__ NO__	OTHER YES__ NO__	OTHER YES__ NO__	COUNTY ATTORNEY YES <input checked="" type="checkbox"/> NO__	COUNTY COORDINATOR YES__ NO__
				APB 1-16-17	

7. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED DATE TO BRING BACK:
- OTHER SPECIFY:

34 **WHEREAS**, to date, the State of Florida Department of Health (“DOH”) has licensed
35 and authorized six dispensing organizations throughout the State for the cultivation,
36 processing, transport and dispensing of low-THC and medical cannabis for qualified
37 patients and eligible patients; and

38 **WHEREAS**, on November 8, 2016, Florida’s voters passed an amendment to the
39 Florida Constitution, titled “Use of Marijuana for Debilitating Medical Conditions”
40 (“Amendment 2”), which will become effective January 3, 2017, and which will authorize the
41 acquisition, cultivation, possession, processing, transferring, transport, sale, distribution,
42 dispensing and administration of medical cannabis and derivative products and supplies to
43 an even broader population of patients by “Medical Marijuana Treatment Centers” (as
44 defined in Amendment 2); and

45 **WHEREAS**, Florida laws relating to cultivation, production, transport, and dispensing
46 of all types of cannabis and their respective derivative products, and other related activities
47 are rapidly changing, and subject to further changes as a result of Amendment 2’s directive
48 to DOH to adopt implementing rules and the potential for additional regulation to be
49 promulgated by the Florida Legislature, thereby raising substantial questions about whether
50 cannabis-related land uses may have deleterious and negative secondary effects on
51 surrounding land uses and communities; and

52 **WHEREAS**, due to the rapidity of the changes in the Florida laws and regulations
53 governing activities related to cannabis, and due to the historical prohibition of cannabis,
54 Levy County does not currently have any land development regulations governing the use
55 of real property for the purposes of cultivating, processing, or distributing cannabis or other

78 individual.

79 *Low-THC Cannabis* means a plant of the genus *Cannabis*; the dried flowers of
80 which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of
81 cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such
82 plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant
83 or its seed or resin.

84 *Medical Cannabis* means all parts of any plant of the genus *Cannabis*, whether
85 growing or not; the seeds thereof; the resin extracted from any part of the plant; and every
86 compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or
87 resin.

88 *Medical Cannabis Activities* means the acquisition, growing, cultivation, possession,
89 processing, dispensing, distribution, administration, or wholesale or retail sale of Medical
90 Cannabis, Low-THC Cannabis, or Derivative Products, or any subset of such activities or
91 related activities. Nothing in this definition shall be construed to prohibit the medical use of
92 Medical Cannabis or Low-THC Cannabis by a qualified patient, eligible patient, or
93 qualifying patient, as determined by a licensed Florida physician, pursuant to Section
94 381.986, Florida Statutes, Amendment 2, or other applicable Florida law.

95 *Moratorium Period* means a period of time which shall start with the effective date of
96 this Ordinance until the effective date of an ordinance establishing new or amended land
97 development regulations concerning any or all Medical Cannabis Activities within the
98 unincorporated areas of Levy County, or until November 9, 2017, whichever date is earlier,
99 unless the Moratorium Period is otherwise extended as provided herein.

122 regulations and recommendations, with such recommendations and any proposed
123 regulations being delivered to the Board within as reasonable time as possible before the
124 expiration of the Moratorium Period.

125 (b) The ultimate purpose of such review and study by County staff is to propose
126 amendments to Chapter 50 or any other applicable provisions of the Levy County Code of
127 Ordinances, or to the Levy County Comprehensive Plan, related to Medical Cannabis
128 Activities within the unincorporated areas of Levy County.

129 **Section 5. Exclusion from Codification.** This Ordinance shall not be included in
130 the Code of Ordinances of Levy County, Florida. This Ordinance shall have all legal force
131 and effect as a duly adopted ordinance of Levy County, Florida.

132 **Section 6. Severability.** If any subsection, sentence, clause, phrase, or portion
133 of these sections is for any reason held invalid or unconstitutional by any court of
134 competent jurisdiction, such portion shall be deemed a separate, distinct, and independent
135 provision and such holding shall not affect the validity of the remainder of the chapter.

136 **Section 7. Effective Date.** This ordinance shall take effect upon its filing in the
137 Office of the Secretary of the State, State of Florida.

138
139
140
141
142
143

Levy County Board of County Commissioners
Agenda Item Summary

1. DEPARTMENT MAKING REQUEST/NAME/EXTENSION:

NATURE COAST BUSINESS DEVELOPMENT COUNCIL

2. MEETING DATE:

1/17/2017

1) 3. REQUESTED MOTION/ACTION: Present activities and projects status report for October – January.

4. IS THIS ITEM BUDGETED (IF APPLICABLE)?: YES ___ NO ___ IF NO, STATE ACTION REQUIRED

BUDGET ACTION:

FINANCIAL IMPACT SUMMARY STATEMENT:

DETAILED ANALYSIS ATTACHED?: YES ___ NO ___ BUDGET OFFICER APPROVAL _____ DATE

5. BACKGROUND: (WHY IS THE ACTION NECESSARY, AND WHAT ACTION WILL BE ACCOMPLISHED)

PER THE ANNUAL CONTRACT BETWEEN THE NCBDC AND LEVY COUNTY AND A PREVIOUS REQUEST FOR REGULAR UPDATES, THIS REPORT COVERS KEY ACCOMPLISHMENTS AND PROJECT UPDATES FOR THE INDICATED TIMEFRAME. THE DURATION OF THIS REPORT SHOULD BE NO MORE THAN THREE MINUTES.

6. RECOMMENDED APPROVAL AND DATE (YES & NO BLOCK INDICATE IF APPROVAL IS/IS NOT REQUIRED)

DEPARTMENT DIRECTOR	OTHER	OTHER	OTHER	COUNTY ATTORNEY	COUNTY COORDINATOR
YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO

7. COMMISSION ACTION:

APPROVED

DENIED

DEFERRED DATE TO BRING BACK:

OTHER SPECIFY:

SUMMARY: 2016 was a year of change; seeing some new programs and efforts as well as some projects. The Nature Coast Business Alliance had strong turnouts for its first few meetings after its September launch, with plans for the New Year to continue building this new initiative into an invaluable networking tool for businesses and partners. A career pathways advisory team began looking at local career options and if curriculum is set to meet those needs, also with big plans to better prepare our future workforce. Efforts to establish a countywide high speed internet network gained momentum toward year's end, with numerous cities entering into MOU's with a private fiber optic provider brought in by the NCBDC, with more cities expected to follow as needed subscribers were sought and tentatively signed up.

We updated our web site to be more user-friendly to site selectors and consultants who could consider locating a new business in the county. New content includes a first-of-its-kind video spotlighting how the Nature Coast is the "natural fit for business," as well as industry and economic snapshots, community profiles and more. With the uncertainty of coal shipments to the Crystal River energy complex, we're also actively working with the Florida Northern Railroad to identify prospective rail-served industry to attract to the area to keep rail traffic steady, increase employment and capitalize on the proximity to markets and the low cost to do business here.

PROJECT NAME	SITE	START	INDUSTRY	JOBS	NEEDS	STATUS	RESOURCES
Airport prospective	Williston	12/7/2016	multiple	N/A	buildings/infrastructure	looking to identify prospects and bring in for site visits	local/state/federal
aquaculture park	TBD	10/12/2016	aquaculture	N/A	research	leads provided to make contact with	TBD
rail targeted industries	Williston	10/18/2016	industrial	N/A	10 sites; infrastructure	vetting of potential industry ongoing following sites review	local/state
eco-bungalows	Chiefland	9/29/2016	eco-tourism	N/A	permitting assistance	referred to building department	TBD
culinary school	TBD	9/23/2016	hospitality	N/A	N/A	awaiting meeting decision	TBD
portable natural gas	various	8/2/2016	energy	N/A	customers	positive discussions with numerous potential users	County
RV resort	TBD	7/15/2016	recreation	N/A	permitting/zoning	acquiring Realtors info; property data	County
Project Raps	Williston	5/20/2016	CONFIDENTIAL	N/A	incentives, building	plans under company review;	County and CareerSource
retailer remodel	Chiefland	3/16/2016	retail	N/A	5 local incentives	grant negotiation stage for incentive award	County and CareerSource
Project A	Williston	2/17/2016	CONFIDENTIAL	N/A	none as of now	zoning meeting has started formal process	City, County & CareerSource
Revolution Aviation	Williston	7/24/2014	aviation	N/A	10 \$ facilities labor	career pathways team to meet and discuss labor options	FL Capital Bank, USDA
high speed internet	Countywide	2/4/2014	utility	N/A	subscribers; support	multiple MOU's signed; contracts & letters of support received	local/state/federal
Pegasus Farms	Bronson	4/30/2013	agriculture	N/A	40 \$ labor	project active again with build-out plan developed	local/state/federal
Chiefland hospital	Chiefland	5/1/2012	healthcare	N/A	100 incentives; labor	funding reportedly secured for scaled down version	City, County, NMITC program
				TOTAL			
					155		

SPECIAL SUBJECTS	Type	Start date	Status	Needs	Summary
A-Z business guide	bus. Asst.	2/1/2016	active	input	where things stand
apprenticeship prog.	program	6/9/216	active	buy-in	in progress with new web site
career pathways	planning	8/1/2016	active	N/A	awaiting results from team meeting group established and working on strategies