

ORDINANCE NO. 831

AN ORDINANCE BY THE CITY OF BROOKSVILLE, FLORIDA, REPEALING PART 5-5, "FLOOD PREVENTION AND PROTECTION AREAS," OF ARTICLE V, "NATURAL RESOURCES," OF SUBPART B, "LAND DEVELOPMENT CODE," AS AMENDED, OF PART II OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES; AMENDING PART 1-3, "INTERPRETATION AND REGULATORY EFFECT," OF ARTICLE I, "GENERAL PROVISIONS;" AMENDING PART 2-2, "ZONING DISTRICT USES," OF ARTICLE II, "ZONING DISTRICTS, USES AND LOT REQUIREMENTS;" AMENDING PART 4-4, "SUBDIVISION AND SITE DEVELOPMENT REQUIREMENTS," PART 4-5, "LANDSCAPING AND TREE PROTECTION," AND PART 4-8, "SUPPLEMENTAL DESIGN STANDARDS FOR CONDITIONAL USES, SPECIAL EXCEPTIONS AND SPECIAL USES," OF ARTICLE IV, "GENERAL REQUIREMENTS AND SUPPLEMENTAL REGULATIONS;" ADOPTING A NEW PART 5-5, "FLOOD PREVENTION AND PROTECTION AREAS" OF ARTICLE V, "NATURAL RESOURCES," OF SUBPART B, "LAND DEVELOPMENT CODE," AS AMENDED, OF PART II OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES TO INCLUDE ADOPTION OF FLOOD HAZARD MAPS, DESIGNATION OF A FLOODPLAIN ADMINISTRATOR, ADOPTION OF PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; AMENDING PART 8-1, "ADMINISTRATION," OF ARTICLE VIII, "ADMINISTRATION, APPLICATION AND APPEAL PROCEDURES;" AMENDING ARTICLE X, "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS AND LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; AMENDING SECTION 11-1.2., "DEFINITIONS," OF ARTICLE XI, "DEFINITIONS," OF SUBPART B, "LAND DEVELOPMENT CODE," AS AMENDED, OF PART II OF THE CITY OF BROOKSVILLE CODE OF ORDINANCES; PROVIDING FOR APPLICABILITY, CONFLICTS AND REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Brooksville, Florida is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact ordinances; and,

WHEREAS, the City Council of the City of Brooksville has the authority to prepare, adopt and enforce this Code pursuant to the Florida Constitution, Chapter 163 Florida Statutes, Chapter 166 Florida Statutes, the City of Brooksville Comprehensive Plan, and such other authorities and provisions established in statutory or common law; and,

WHEREAS, it is the purpose of the City Council of the City of Brooksville to establish the standards, regulations and procedures for review and approval of all proposed development of property in the City of Brooksville and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the goals, objectives, and policies of the City of Brooksville Comprehensive Plan; and,

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Brooksville and such areas are 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, the City of Brooksville was accepted for participation in the National Flood Insurance Program and the City Council 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 and local technical amendments to the *Florida Building Code* to implement the National Flood Insurance Program and incentives; and,

WHEREAS, the City Council has determined it is in the public interest to adopt a requirement to increase the minimum elevation requirement for buildings and structures in flood hazard areas for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the Florida Building Code; and,

WHEREAS, the City Council has determined that it is in the public interest to adopt the floodplain management regulations that are coordinated with the *Florida Building Code*; and,

WHEREAS, the City Council of the City of Brooksville has determined this Land Development Code is consistent with the City's Comprehensive Plan and it is in the best public interest for all development to be conceived, designed, and built in accordance with good planning and design practices and the minimum standards set forth in this Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL MEMBERS OF THE CITY OF BROOKSVILLE AS FOLLOWS:

SECTION 1. CONFLICTS AND REPEALER. Section 5-5.1., "Purpose," Section 5-5.2., "Objectives," Section 5-5.3., "General Provisions," Section 5-5.4., "Designation and Duties of Floodplain Administrator," Section 5-5.5., "Administration," Section 5-5.6., "Provisions for Flood Hazard Reduction" and Section 5-5.7., "Variances" of Part 5-5, "Flood Prevention and Protection Areas," of Article V, "Natural Resources," of Subpart B, "Land Development Code," of Part II of the City of Brooksville Code of Ordinances are hereby repealed in their entirety. In addition, all other ordinances, or parts thereof, and resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 2. CODIFICATION. Section 1-3.11., "Fees," of Part 1-3, "Interpretation and Regulatory Effect," of Article I, "General Provisions;" Table 2-2, "Table of Allowable Uses," of Section 2-2.2., "Allowable Uses," of Article II, "Zoning Districts, Uses and Lot Requirements," Section 4-4.2., "Development Regulations," of Part 4-4, "Subdivision and Site Development Requirements," Section 4-5.7, "Buffering and Screening," of Part 4-5, "Landscaping and Tree Protection," Section 4-8.9., "Alcoholic Beverage Use Permits," Section 4-8.46., "Neighborhood/Community Fair," of Part 4-8 and "Supplemental Design Standards for Conditional Uses, Special Exceptions, and Special Uses," of Article IV, "General Requirements and

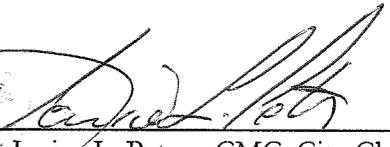
Supplemental Regulations;" Part 5-5, "Flood Prevention and Protection Areas," of Article V, "Natural Resources;" Section 8-1.4., "Planning and Zoning Commission," of Part 8-1, "Administration," of Article VIII, "Administration and Application Procedures;" Article X, "Buildings and Building Regulations;" and Section 11-1.2., "Definitions," of Part 11-1, "Contents," of Article XI, "Definitions," of Subpart B, "Land Development Code," as amended, of Part II of the City of Brooksville Code of Ordinances shall be modified and supplemented as set forth in Exhibit A of this Ordinance which is attached hereto and incorporated herein in *haec verba*.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid, unlawful or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

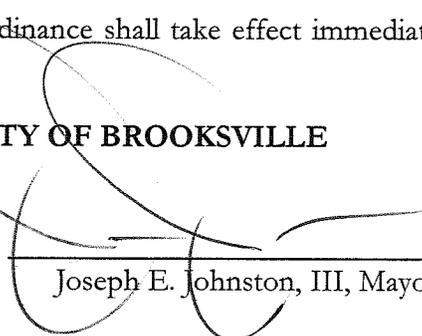
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the Brooksville City Council.

CITY OF BROOKSVILLE

Attest:


Janice L. Peters, CMC, City Clerk

By:

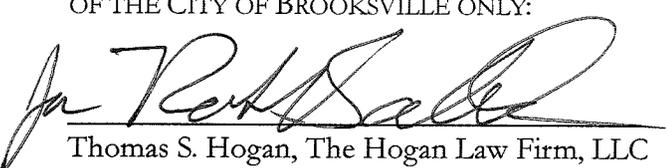

Joseph E. Johnston, III, Mayor

PASSED on First Reading July 16, 2012

NOTICE Published on July 27, 2012

PASSED on Second & Final Reading August 6, 2012

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:


Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney

VOTE OF COUNCIL:

Bernardini	<u>AYE</u>
Bradburn	<u>AYE</u>
Burnett	<u>AYE</u>
Hohn	<u>AYE</u>
Johnston	<u>AYE</u>