

**ORDINANCE NO. \_\_\_\_\_**

**PROPOSED ORDINANCE NO. 16-055**

**AN ORDINANCE BY THE CITY OF LAKELAND CITY COMMISSION AMENDING THE CITY OF LAKELAND CODE OF ORDINANCES TO AMEND LAND DEVELOPMENT CODE, ARTICLE 6 NATURAL RESOURCE PROTECTION STANDARDS, SECTION 6.1.2 DEFINITIONS, TO REPEAL LAND DEVELOPMENT CODE, ARTICLE 6 NATURAL RESOURCE PROTECTION STANDARDS, SECTION 6.2 FLOODPLAIN MANAGEMENT; TO ADOPT A NEW SECTION 6.2 FLOODPLAIN MANAGEMENT; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, by Ordinance 5425, adopted on December 16, 2013, the City Commission of the City of Lakeland, Florida adopted the Land Development Code for the City of Lakeland; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of City of Lakeland and such areas may be 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 Lakeland was accepted for participation in the National Flood Insurance Program on September 16, 1981 and the City Commission 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**, the City Commission has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*; and

**WHEREAS**, the City Commission, based upon review of local conditions and as demonstrated by evidence has determined that there is a local need to limit new installations of manufactured homes in certain high risk flood hazard areas;

**WHEREAS**, it has been determined that amendments are necessary to update the regulations contained within the Land Development Code; and

**WHEREAS**, the City Commission, upon recommendation by the Planning and Zoning Board, wishes to adopt the amendments to the Land Development Code set forth herein;

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Lakeland that the following floodplain management regulations are hereby adopted.

**SECTION 1.** The foregoing findings are incorporated herein by reference and made a part hereof.

**SECTION 2.** The amendments to the Land Development Code set forth in Attachment "A," attached hereto and made a part hereof, are hereby adopted.

**SECTION 3.** The City Commission does hereby expressly find that the provisions of this ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5188, and that all procedures for the enactment of this ordinance have been complied with.

**SECTION 4.** For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Lakeland. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

**SECTION 5.** It is the intent of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Lakeland's Land Development Code, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 6.** If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

**SECTION 7.** This ordinance shall take effect immediately upon its passage.

**PASSED AND CERTIFIED AS TO PASSAGE** this 19th day of December, A.D.

2016.

\_\_\_\_\_  
R. HOWARD WIGGS, MAYOR

ATTEST: \_\_\_\_\_  
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: \_\_\_\_\_  
TIMOTHY J. McCAUSLAND  
CITY ATTORNEY

## ATTACHMENT "A"

### ARTICLE 6: NATURAL RESOURCE PROTECTION STANDARDS

#### 6.1 GENERAL

##### 6.1.1 INTENT

It is the intent of this article to protect, maintain and enhance the health, safety and general welfare of the community by regulating land development activity with the potential of degrading important natural resources. More specifically, it is the purpose of this article to create a clear compilation of regulatory standards which implement the environmental goals, objectives and policies of the Comprehensive Plan.

##### 6.1.2 DEFINITIONS

For the purpose of this article, the following words and terms shall be defined as follows. Where terms are not defined herein and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code. Where terms are not defined in this article or the Florida Building Code, such terms shall have their standard dictionary meaning.

**Adverse Impacts:** Any direct or indirect effect likely to cause, or actually causing, a decline in the quality, stability, natural function, diversity or aesthetic value of a natural resource.

**Alter:** To change, rearrange, enlarge, extend or reduce any land or part thereof.

**Aquifer:** An underground formation, group of formations, or part of a formation that is permeable enough to transmit, store or yield a quantity of water providing a beneficial use.

**Alteration of a watercourse.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**Aquifer:** An underground formation, group of formations, or part of a formation that is permeable enough to transmit, store or yield a quantity of water providing a beneficial use.

~~**Area of Shallow Flooding:** A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.~~

~~**Area of Special Flood Hazard:** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.~~

**ASCE 24.** A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

**Base flood elevation.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

**Basement.** The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)"].

**Biotechnical Erosion Control Method:** primarily non-structural method of shoreline stabilization which uses native vegetation to stabilize the shoreline substrate.

**Biological Inventory:** A biological inventory prepared for a defined area of land based upon standard in-field methodologies to derive habitat types, species populations, biological interactions and other associated ecological factors.

**Buffer Zone:** An area, exclusive of land development activity, used to visibly separate one use from another or to shield or block noise, lights or other nuisances.

**Contaminant:** An undesirable substance not naturally present or an unusually high concentration of a naturally occurring substance in water, soil, or other environmental medium in addition to regulated substances listed in Appendix A.

**Cut and Fill:** The practice, associated with development, involving the removal of soil or substrate from one area and relocation of that soil to another location for the purpose of land alteration.

**Design flood.** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Design flood elevation.** The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

**Discharge:** The release of stormwater by any means into the environment excluding

transpiration, evaporation, or natural percolation into the groundwater.

**Elevated Building:** ~~A non-basement structure 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.~~

**Encroachment.** The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**Existing building and existing structure.** Any buildings and structures for which the “start of construction” commenced before **September 16, 1981**. [Also defined in FBC, B, Section 202.]

**Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before **September 16, 1981**.

**Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow ~~in~~ of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood damage-resistant materials.** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

**Flood hazard area.** The greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

**Flood Hazard Boundary Map (FHBM):** ~~An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.~~

**Flood Insurance Rate Map (FIRM):** ~~A~~ The official map of a the community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS).** The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

**Floodplain:** Land that will be inundated by flood waters known to have occurred or reasonably characteristic of what can be expected to occur from overflow of inland waters and the accumulation of runoff of surface waters from rainfall.

**Floodplain Administrator.** The office or position designated and charged with the administration and enforcement of this article (may be referred to as the Floodplain Manager).

**Floodplain development permit or approval.** An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this article.

**Floodproofing:** ~~Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.~~

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floodway encroachment analysis.** An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

**Free Board:** ~~A factor of safety usually expressed in feet above a flood level for purposes of flood plain management.~~

**Functionally dependent use.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

**Hazardous materials/wastes.** Substances or materials which, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released. A release may occur by spilling, leaking, emitting toxic vapors, or any other process that enables the material to escape its container, enter the environment, and create a potential hazard. Hazardous materials include, but are not limited to: explosive, flammable, combustible, corrosive, oxidizing, toxic, infectious, poisonous, or radioactive materials that when involved in an accident and released in sufficient quantities put some portion of the general public in immediate danger from exposure, contact, inhalation, or ingestion.

**Highest adjacent grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

**Impervious Surface:** Any surface of material that prevents the absorption of water into the underlying soil.

**Lake Bottom Construction:** The construction, alteration or repair of any shoreline

stabilization structure or water access structure.

**Land Clearing:** The removal of vegetation from any site, parcel or lot, however, land clearing does not include the removal of dead trees or routine mowing, trimming or pruning to maintain vegetation in a healthy, viable condition.

**Letter of Map Change (LOMC).** An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study.

**Light-duty truck.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

**Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 202.]

**Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

**Manufactured home park or subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Market value.** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

**Natural Resources:** Those resources, functions, and forms, concrete or abstract, which are of natural creation or form and which directly or indirectly contribute to the health, safety, general welfare and wellbeing of the community.

**New construction.** For the purposes of administration of this article and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after September 16, 1981 and includes any subsequent improvements to such structures.



**New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 16, 1981.

**100-Year Flood:** A flood having a one-percent chance of being equalled or exceeded in any given year.

**Ordinary High Water Line:** The ten-year flood line elevation for each respective lake as provided through the Flood Insurance Rate Maps Study or historical city records and is ultimately established by the city Public Works Director.

**Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

**Physical Protection Devices:** Berms, fences, vegetation, water features, or similar physical barriers established for the purpose of protecting habitat or to minimize disturbance to a protected species.

**Potable Public Groundwater:** All public groundwater supplies meeting the standards of Class II water within Chapter 17, F.A.C. and the drinking water criteria of Health and Rehabilitative Services of the Polk County Health Department.

**Protected Species:** Animal species listed as endangered, threatened, or of special concern by the Florida Game and Fresh Water Fish Commission in Rules 39-27.003, 39-27.004, 39-27.005, Florida Administrative Code.

**Recreational vehicle.** A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Setback:** A minimum distance in which a structure or use can be located in proximity to a physical feature or specific boundary (property line, mean high water line).

**Shoreline Stabilization Structure:** Any structure or man-made feature whose purpose is to stabilize the shoreline substrate and protect it from erosion. Shoreline stabilization structures include but are not limited to seawalls, revetments, rip-rap and biotechnical erosion control methods.

**Special flood hazard area.** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

**Start of construction.** The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

**Stormwater Runoff:** The total volume of water accumulated over a surface during any form of precipitation resulting in a flowing quantity of water upon a site. Such waters are resistant to percolation into the groundwater due to the saturation of the soil matrix, impervious surface, or the large volume accumulated at the immediate time of occurrence.

**Substantial Damage:** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the "start of construction" of the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

**Surface Waters:** Natural or man-altered lands which are submerged during normal hydroperiods. Surface waters include lakes, ponds, rivers, creeks, canals and ditches. The landward extent of surface waters shall be delineated using methods prescribed in Florida Administrative Code Rule Chapter 17-301.

**Undisturbed Land:** A parcel, lot, or plot of land which has been absent of land use activities for a period exceeding twenty years.

**Water Access Structure:** Any man-made structure which has as its purpose the facilitation of human or vehicular access to surface waters, including, but not limited to, docks, floating docks, piers, mooring pilings, boat ramps, boathouses and boat lifts.

**Watercourse.** A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

**Wetlands:** All areas within dredge and fill jurisdictions of the Department of Environmental Regulation (pursuant to Section 403, Florida statutes); the Army Corp of Engineers (pursuant to Section 404, Clean Water Act, Florida Statutes); or the Southwest Florida Water Management District (pursuant to chapter 40D-4, Florida Administrative Code). These may include, but are not limited to, areas; inundated by water periodically through the seasons, characterized by specific vegetation, in the base floodplain or characterized by specific soil types.

**Section 6.2 Floodplain Management is repealed in its entirety and replaced with the following:**

## **6.2 FLOODPLAIN MANAGEMENT**

### **6.2.1 INTENT**

The purpose of this section is to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- a. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- b. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- c. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- d. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- e. Minimize damage to public and private facilities and utilities;
- f. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- g. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- h. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

## **6.2.2      APPLICABILITY**

The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area as established in Sub-Section 6.2.2.3 including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

### **6.2.2.2      Coordination with the *Florida Building Code***

This section is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

### **6.2.2.3      Basis for Establishing Flood Hazard Areas**

The Flood Insurance Study for **Polk County, Florida and Incorporated Areas** dated **December 22, 2016**, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the **Lakeland Planning Division, 228 South Massachusetts Ave, Lakeland, 33801.**

### **6.2.2.4      Submission of Additional Data to Establish Flood Hazard Areas**

To establish flood hazard areas and base flood elevations, pursuant to Sub-Section 6.2.5, the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- a.      Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the *Florida Building Code*.
- b.      Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

### **6.2.3 Disclaimer of Liability**

- a. The degree of flood protection required by this section is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.
- b. This section shall not create liability on the part of the **City** or by any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.

### 6.2.3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

#### **6.2.3.1 Floodplain Administrator**

The **Director of Public Works** is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

#### **6.2.3.2 General**

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this section. The Floodplain Administrator shall have the authority to render interpretations of this section consistent with the intent and applicability sub-sections and may establish procedures in order to clarify the application of its provisions. Such interpretations and procedures shall not have the effect of waiving requirements specifically provided for in this section without the granting of a variance pursuant to Sub-Section 6.2.7.

#### **6.2.3.3 Applications and permits**

The Floodplain Administrator, in coordination with other pertinent offices of the City, shall:

- a. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- b. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;

- c. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- d. Provide available flood elevation and flood hazard information;
- e. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- f. Review applications to determine whether proposed development will be reasonably safe from flooding;
- g. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and
- h. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.

#### **6.2.3.4 Substantial Improvement and Substantial Damage Determinations**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of “substantial damage”; and
- d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this section is required.

#### **6.2.3.6 Notices and Orders**

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

#### **6.2.3.7 Inspections**

The Floodplain Administrator shall make inspections of all development for which floodplain development permits or approvals are issued. As part of inspecting buildings, structures and facilities exempt from the *Florida Building Code* and manufactured homes, the Floodplain Administrator shall obtain from permittees certification of the elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

#### **6.2.3.8 Other duties of the Floodplain Administrator.**

The Floodplain Administrator shall have other duties, including but not limited to:

- a. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Sub-Section 6.2.3.4;
- b. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- c. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- d. Review required design certifications and documentation of elevations specified by this section and the *Florida Building Code* to determine that such certifications and documentations are complete; and
- e. Notify the Federal Emergency Management Agency when the corporate boundaries of **City of Lakeland** are modified.

#### **6.2.3.9 Floodplain management Records**

Regardless of any limitation on the period required for retention of public records, the City shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the *Florida Building Code*,

including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at, **228 South Massachusetts Ave., Lakeland, 33801.**

#### 6.2.4 PERMITS

##### **6.2.4.1 Permits Required**

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this section and all other applicable codes and regulations has been satisfied.

##### **6.2.4.2 Floodplain Development Permits or Approvals**

Floodplain development permits or approvals shall be issued pursuant to this section for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

##### **6.2.4.3 Buildings, Structures and Facilities Exempt from the *Florida Building Code***

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this section:

- a. Railroads and ancillary facilities associated with the railroad.
- b. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- c. Temporary buildings or sheds used exclusively for construction purposes.
- d. Mobile or modular structures used as temporary offices.



- e. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- h. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- i. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

#### **6.2.4.4 Application for a Permit or Approval**

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- a. Identify and describe the development to be covered by the permit or approval.
- b. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- c. Indicate the use and occupancy for which the proposed development is intended.
- d. Be accompanied by a site plan or construction documents as specified in Sub-Section 6.2.5.
- e. State the valuation of the proposed work.
- f. Be signed by the applicant or the applicant's authorized agent.
- g. Give such other data and information as required by the Floodplain Administrator.

#### **6.2.4.5 Validity of Permit or Approval**

The issuance of a floodplain development permit or approval pursuant to this section shall not be construed to be a permit for, or approval of, any violation of this Code, the *Florida Building Codes*, or any other ordinance of the City of Lakeland. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

#### **6.2.4.6 Expiration**

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

#### **6.2.4.7 Suspension or Revocation**

The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this section or any other ordinance, regulation or requirement of the City of Lakeland.

#### **6.2.4.8 Other permits required.**

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- a. The **Southwest Florida** Water Management District; section 373.036, F.S.
- b. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- c. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- d. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- e. Federal permits and approvals.

### 6.2.5 SITE PLANS AND CONSTRUCTION DOCUMENTS

#### **6.2.5.1 Information for Development in Flood Hazard Areas**

The site plan or construction documents for any development subject to the requirements of this section 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 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 Sub-Sections 6.2.5.2.b. or 6.2.5.2.c.

- c. Where the parcel on which the proposed development will take place will have more than 50 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 Sub-Section 6.2.5.2.a.
- d. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- e. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- f. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- g. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

#### **6.2.5.2 Information in flood hazard areas without Base Flood Elevations (Approximate Zone A)**

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- b. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- c. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - 1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - 2. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

- d. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

### **6.2.5.3 Additional Analyses and Certifications**

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- a. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Sub-Section 6.2.5.4 of this section and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- b. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- c. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Sub-Section 6.2.5.4.

### **6.2.5.4 Submission of Additional Data**

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

6.2.6 Reserved

6.2.7 VARIANCES AND APPEALS

**6.2.7.1 General**

In accordance with the procedures, powers and duties specified in Section 12.7, the **Zoning Board of Adjustment and Appeals** is hereby authorized to hear and decide on requests for appeals and requests for variances from the strict application of this section. In reviewing requests for variances, the **Zoning Board of Adjustment and Appeals** shall consider all relevant factors, including all applicable provisions of the *Florida Building Code*, this Code, and the following:

- a. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- d. The importance of the services provided by the proposed development to the community;
- e. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- f. The compatibility of the proposed development with existing and anticipated development;
- g. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- h. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- i. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**6.2.7.2 Conditions for Issuance of Variances**

Variances shall be issued only upon determination that:

- a. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

- b. For proposed development in a floodway, no increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Sub-Section 6.2.5.3.

## 6.2.9 BUILDINGS AND STRUCTURES

### **6.2.9.1 Design and Construction of Buildings, Structures and Facilities Exempt from the *Florida Building Code***

Pursuant to Sub-Section 6.2.4.3, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Sub-Section 6.2.15.

## 6.2.10 SUBDIVISIONS

### **6.2.10.1 Minimum requirements**

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

### **6.2.10.2 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;
- b. Where the subdivision has more than 50 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 Sub-Section 6.2.5.2.a.; and
- c. Compliance with the site improvement and utilities requirements of Section 6.2.11.

**6.2.11.1 Minimum Requirements**

All proposed new development shall be reviewed to determine that:

- a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

**6.2.11.2 Sanitary Sewage Facilities**

Installation of new septic tank systems is prohibited in the regulatory floodway. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

**6.2.11.3 Water Supply Facilities**

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

**6.2.11.4 Limitations on Sites in Regulatory Floodways**

Fill for structural support of buildings and structures is prohibited in the regulatory floodway. 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 6.2.5.3.a. demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

**6.2.11.5 Limitations on Placement of Fill**

Subject to the limitations of this section, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

## 6.2.12      MANUFACTURED HOMES

### 6.2.12.1      General

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this section.

#### 6.2.12.1.1      Limitations on Installation in Floodways

New installations of manufactured homes shall not be permitted in regulatory floodways except within existing approved manufactured home parks or platted manufactured home park subdivisions.

#### 6.2.12.2      Foundations

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are either:

- a. Consistent with the site and flood limitations and design criteria and the recommended prescriptive designs specified in FEMA P-85, Protecting Manufactured Homes from Floods and Other Hazards. Foundations for manufactured homes subject to Sub-Section 6.2.12.6 are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
- b. Engineered by a licensed design professional for the base flood conditions at the site in accordance with the foundation requirements of ASCE-24, ASCE-7, and this section.

#### 6.2.12.3      Anchoring

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

#### 6.2.12.4      Elevation

Manufactured homes that are placed, replaced, or substantially improved shall comply with Sub-Section 6.2.12.5 or 6.2.12.6, as applicable.



#### **6.2.12.5 General Elevation Requirement**

Unless subject to the requirements of Sub-Section 6.2.12.6, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential Section R322.2 (Zone A)*.

#### **6.2.12.6 Elevation requirement for Certain Existing Manufactured Home Parks and Subdivisions**

Manufactured homes that are not subject to Sub-Section 6.2.12.5, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- a. Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential Section R322.2 (Zone A)*; or
- b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 60 inches in height above grade.

#### **6.2.12.7 Enclosures**

Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential Section R322.2* for such enclosed areas.

#### **6.2.12.8 Utility Equipment**

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential Section R322*.

### [6.2.13 RECREATIONAL VEHICLES AND PARK TRAILERS](#)

#### **6.2.13.1 Temporary Placement**

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- a. Be on the site for fewer than 180 consecutive days; or

- b. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

#### **6.2.13.2 Permanent Placement**

Recreational vehicles and park trailers that do not meet the limitations in Sub-Section 6.2.13.1 for temporary placement shall meet the requirements of Sub-Section 6.2.12 for manufactured homes.

#### 6.2.14 TANKS

##### **6.2.14.1 Underground Tanks**

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

##### **6.2.14.2 Above-ground Tanks, Not Elevated**

Above-ground tanks that do not meet the elevation requirements of Sub-Section 6.2.14.3 shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

##### **6.2.14.3 Above-ground Tanks, Elevated**

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

##### **6.2.14.4 Tank inlets and vents.**

Tank inlets, fill openings, outlets and vents shall be:

- a. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

## 6.2.15 OTHER DEVELOPMENT

### **6.2.15.1 General requirements for Other Development**

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this section or the *Florida Building Code*, shall:

- a. Be located and constructed to minimize flood damage;
- b. Meet the limitations of Sub-Section 6.2.11.4 if located in a regulated floodway;
- c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- d. Be constructed of flood damage-resistant materials; and
- e. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

### **6.2.15.2 Fences in Regulated Floodways**

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Sub-Section 6.2.11.4.

### **6.2.15.3 Retaining Walls, Sidewalks and Driveways in Regulated Floodways**

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Sub-Section 6.2.11.4.

### **6.2.15.4 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 Sub-Section 6.2.11.4. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Sub-Section 6.2.5.3.c.

### **6.2.15.5 Hazardous Materials**

No hazardous materials or waste shall be stored in flood hazard areas.

## MEMORANDUM

DATE: DECEMBER 5, 2016

TO: MAYOR & CITY COMMISSION

FROM: L. BURL WILSON, JR., CHAIRMAN  
PLANNING & ZONING BOARD

SUBJECT: PROPOSED CHANGES TO ARTICLE 6 (NATURAL  
RESOURCE PROTECTION STANDARDS) TO ADOPT  
NEW FLOODPLAIN MANAGEMENT STANDARDS

CASE NUMBER: LDC16-006

APPLICANT: CITY OF LAKELAND

P&Z HEARING: NOVEMBER 15, 2016

P&Z FINAL DECISION: NOVEMBER 15, 2016

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances. The proposed changes to Article 6 (Natural Resource Protection Standards) to adopt new floodplain management standards are included as Attachment "A."

The proposed changes incorporate the most current and coordinated flood provisions as required by the Florida Division of Emergency Management (DEM) to comply with National Flood Insurance Program (NFIP) requirements and to ensure consistency with the Florida Building (FBC). Generally, the provisions are intended to minimize the possibility of flooding damage and to reduce the cost of flood insurance through participation in the NFIP. The proposed changes will amend definitions within Sub-Section 6.1.2 and replace Section 6.2 in its entirety. These changes are based upon a model ordinance that was prepared by the DEM and approved by the Federal Emergency Management Agency (FEMA). The model ordinance was also reviewed by the Building Officials Association of Florida and the Florida Floodplain Management Association. The proposed changes resolve a number of issues that had become a statewide concern and are summarized as follows:

- Commitment to FEMA and the NFIP to maintain adequate regulations and procedures;
- Coordinate the FBC with local floodplain management regulations to avoid redundant or conflicting requirements;

- Satisfy the NFIP, to coordinate with the FBC, and to meet the requirements of section 553.73(5), F.S.;
- Incorporates floodplain management provisions that are clearer and more detailed, including administrative provisions and requirements for development other than buildings;
- Makes it easier for both communities and applicants to apply NFIP-consistent requirements;
- Provides provisions for development other than buildings regulated by the FBC such as manufactured homes, recreational vehicles, tanks, floodplain fill, channel alterations;
- Incorporates long-standing FEMA policies and guidance, facilitating interpretation and compliance;
- Adopts the most current floodplain maps; and
- Adopts higher standards that will not negatively impact the community but will give the City a higher Community Rating System (CRS) score thereby reducing the cost of flood insurance for those who are required to have a policy in place.

Since the revised Polk County Flood Insurance Study and accompanying Flood Insurance Rate Maps will go into effect December 22, 2016, FEMA requires that the updated floodplain management standards be adopted prior to that date. As such, staff requests an expedited approval by the Planning and Zoning Board so that the changes may be considered by the City Commission in December in order to meet this deadline.

The Community Development Department and the Board reviewed this request for compliance with Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan.

The Community Development Department reviewed this request and recommended the proposed changes to the LDC.

This recommendation was approved by a 6-0 vote of the Board.

### Recommendation

It is recommended that the proposed changes to the LDC, as described in Attachment "A," be approved.