

ORDINANCE #17-03

AN ORDINANCE BY THE TOWN COUNCIL AMENDING CHAPTER 70 FLOODS, ARTICLE II FLOOD DAMAGE PREVENTION OF THE CODE OF ORDINANCES TO MAKE MODIFICATIONS TO BRING THE REGULATIONS INTO AGREEMENT WITH THE MOST CURRENT FEMA-APPROVED, CODE-COMPANION FLOODPLAIN MANAGEMENT ORDINANCE FOR FLORIDA COMMUNITIES; TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING FOR 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, the Town of Lake Clarke Shores participates in the National Flood Insurance Program and the Town of Lake Clarke Shores desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Palm Beach County, Florida and Incorporated Municipalities, with an effective date of October 5, 2017; and

WHEREAS, the Town Council determined that it is in the public interest to amend Chapter 70 FLOODS, Article II Flood Damage Prevention of the Code of Ordinances, to make modifications to bring the regulations into agreement with the most current Model Floodplain Management Ordinance approved by FEMA for Florida communities.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Lake Clarke Shores that Chapter 70 FLOODS, Article II Flood Damage Prevention of the Code of Ordinances is amended as set forth in the following amendments, as shown in strikethrough and underline format in Section 2.

SECTION 1. RECITALS. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. Chapter 70 Floods, Article II Flood Damage Prevention of the Code of Ordinances is hereby amended as follows:

DIVISION 1. ADMINISTRATION

SECTION 102 APPLICABILITY

Sec. 102.3 Basis for establishing flood hazard areas. The Flood Insurance Study for the Town of Lake Clarke Shores Palm Beach County, Florida and Incorporated Areas dated October 5, 2017 May 1, 1978, 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 ordinance 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 Town Hall, 1701 Barbados Road, Lake Clarke Shores, FL 33406.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

103.4 Substantial improvement and substantial damage determinations ~~Determinations for existing buildings and structures.~~ *Remainder unchanged*

103.8 Other duties of the Floodplain Administrator.

4. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and ~~this ordinance~~ to determine that such certifications and documentations are complete; and

103.9 Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance 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 ordinance; 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 ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the Town Hall, 1701 Barbados Road, Lake Clarke Shores, FL 33406.

SECTION 104 PERMITS

104.7 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:

5. Federal permits and approvals.

SECTION 105 SITE PLANS AND DOCUMENTS

105.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. 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.
2. Where ~~flood hazard areas~~, base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2(2) or (3) of this ordinance.
3. 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 Section 105.2(1) ~~or (2)~~ of this ordinance.

105.2 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:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. ~~4.~~ 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; ~~or.~~
3. ~~2.~~ 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:
 - a. Require the applicant to include develop base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is two (2) ~~three (3)~~ 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) ~~three (3)~~ feet.
4. ~~3.~~ 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.

105.3 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:

2. 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 a floodway encroachment analysis which demonstrates 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.

SECTION 106 INSPECTIONS

106.1.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 105.2(3)(2)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

DIVISION 2. DEFINITIONS

SECTION 202 DEFINITIONS

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance ~~or a request for a variance.~~

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code*, *Existing Building*, Chapter 12 ~~Chapter 14~~ Historic Buildings.

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 1612.2.]

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~~ See section 320.01, F.S. 15C-1.0101, F.A.C.]

Recreational vehicle. A vehicle, including a park trailer, which is: [~~Defined in~~ See section 320.01(b), F.S.)
remainder unchanged

Start of construction. The date of issuance of permits for new construction and substantial improvements ~~to existing structures~~, 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.

DIVISION 3. FLOOD RESISTANT DEVELOPMENT

SECTION 302 SUBDIVISIONS

302.2 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:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats ~~and final plats~~.
2. 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 Section 105.2(1) ~~or (2)~~ of this ordinance; and

SECTION 304 MANUFACTURED HOMES

304.1 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 ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

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

In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance. Foundations for manufactured homes subject to Section 304.6 of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

304.4.2 Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section ~~305.4.4~~ 304.5 of this ordinance, 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:

1. 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
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

304.5 Enclosures. Fully Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential Section R322.2* for such enclosed areas, as applicable to the flood hazard area.

SECTION 307 OTHER DEVELOPMENT

307.1 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 ordinance or the *Florida Building Code*, shall:

5. 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.

307.4 Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 303.4 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 105.3-3(3) of this ordinance.

SECTION 3. APPLICABILITY. For the purposes of jurisdictional applicability, this ordinance shall apply in the Town of Lake Clarke Shores. 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 4. INCLUSION INTO THE CODE OF ORDINANCES. It is the intent of the Town Council that the provisions of this ordinance shall become and be made a part of the Town of Lake Clarke Shores' Code of Ordinances, 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 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.


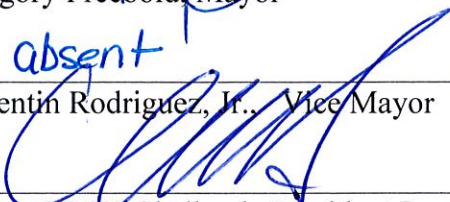
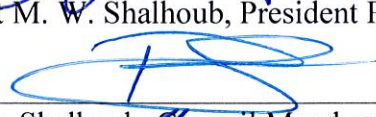
SECTION 6. REPEAL OF ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed. All ordinances and parts of ordinances which are not in conflict herewith and which have not been amended hereby shall remain in full force and affect.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect on October 5, 2017.

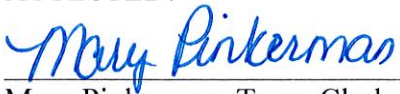
PASSED AND ADOPTED the 11th day of July, 2017, on first reading.

PUBLISHED the 20th day of July, 2017, in the Lake Worth Herald/ Coastal Observer.

PASSED AND ADOPTED this 8th day of August, 2017, on second and final reading.

	FOR	AGAINST
By: <u></u> Gregory Freebold, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>absent</u> Valentin Rodriguez, Jr., Vice Mayor	<input type="checkbox"/>	<input type="checkbox"/>
<u></u> Robert M. W. Shalhoub, President Pro Tem	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u></u> Paul R. Shalhoub, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u></u> John Studdard, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ATTESTED:


Mary Pinkerman, Town Clerk
Ord #17-03 Sponsored by the Town Council