



MEMORANDUM

Lake County Board of County Commissioners • Public Works/ Operations
323 N. Sinclair Ave., Tavares, FL 32778 • www.lakecountyfl.gov

To: Tim McClendon, Planning Director
Thru: Mary Hamilton, Public Works Chief of Operations *ma*
From: Nicholas Mcray, Operations Manager *NM*
Date: June 17, 2020
Subject: Mandated Update to Lake County Floodplain Management Ordinance

The attached Floodplain Management Ordinance revision was developed in coordination with and in response to the Florida Division of Emergency Management (FDEM) required updates per FEMA guidance.

The County's current Floodplain Ordinance was adopted in 2012 and was based on the initial Florida State Model Floodplain Ordinance. The final and current State Model Floodplain Ordinance has slight variations from the initial Ordinance. FEMA has worked with FDEM to develop a "corrector" Ordinance for those jurisdictions which adopted the early Model Ordinance. This "corrector" Ordinance generally addresses necessary updates to definitions and technical verbiage to match Florida Building Code and Code of Federal Regulation. The Ordinance also updates Florida Statutory citations and internal references.

The new section 9.07.13 formalizes the current permitting practice regarding the allowance of wet flood-proofing of accessory structures located in a flood zone which are below the base flood elevation in accordance with NFIP guidance. These are non-living spaces such as garages or sheds with uses restricted to storage, access or parking.

This Ordinance does not increase any current County Floodplain Permitting requirement. Adoption of the ordinance is necessary to be compliant with State and Federal requirements. Failure to comply with Federal Floodplain Management requirements can result in the suspension of writing Federal Flood Insurance Policies in un-incorporated Lake County. As of February 2020, the NFIP reports there are 2,307 Federal Flood Insurance Policies in effect in un-incorporated Lake County providing coverage for an estimated \$603 Million worth of property.

Upon final approval and adoption by the Lake County Board of County Commissioners, a fully executed copy of the Ordinance will be sent to FDEM and FEMA.

I am available to answer any questions you may have regarding this Ordinance.

Summary of Ordinance

The purpose of this ordinance is to update and amend the floodplain management provisions contained in Lake County Code, Appendix E, Land Development Regulations, Sections 9.07.00, 14.07.03, 14.07.04, 14.09.01, and 14.20.01, which have been referred to as the Lake County floodplain ordinance. This ordinance also adds new definitions and amends several existing definitions contained in Lake County Code, Appendix E, Land Development Regulations, Chapter II.

Changes are shown as follows: Strikethrough for deletions and Underline for additions to existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

ORDINANCE NO. 2020 - ____

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, CHAPTER II, ENTITLED *DEFINITIONS*, TO ADD NEW DEFINITIONS AND TO AMEND SOME EXISTING DEFINITIONS; AMENDING CERTAIN PORTIONS OF THE LAND DEVELOPMENT REGULATIONS REGARDING FLOODPLAIN MANAGEMENT; PROVIDING CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2012, the Lake County Board of County Commissioners passed Ordinance 2012-71 adopting a model ordinance regarding local floodplain management; and

WHEREAS, Lake County recently had the local floodplain management ordinance reviewed by the Florida Division of Emergency Management to determine consistency with state and federal provisions; and

WHEREAS, the Federal Emergency Management Agency (FEMA) released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the Lake County Board of County Commissioners adopts this ordinance for the purpose of updating the County’s floodplain management provisions and to adopt regulations that are consistent with FEMA Policy; and

WHEREAS, this ordinance is in the best interest of the public health, safety and welfare of the residents of Lake County, Florida.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, as follows:

Section 1. Recitals. The foregoing recitals are incorporated herein by reference.

Section 2. Amendment. Lake County Code, Appendix E, Land Development Regulations, Chapter II, entitled *Definitions*, is hereby amended to add the following definitions and to modify some existing definitions. Amendments to and inclusion of definitions herein shall not affect the definitions already contained in this Chapter.

* * *

Accessory Structure, Use or Building. Any subordinate Structure, Use or Building customarily incidental to and located upon the same Lot occupied by the main Structure, Use or

1 Building. For floodplain management purposes, Accessory Structure includes only Accessory
2 Structures used for parking and storage.

3 **Appeal.** A request for a review of the County Manager or designee's interpretation of any
4 provision of this article ~~or a request for a Variance.~~

5 **Base Flood Elevation.** The elevation of the base flood, including wave height, relative to
6 the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD)
7 or other datum specified on the Flood Insurance Rate Map (FIRM).

8 **Historic Structure.** Any structure that is determined eligible for the exception to the flood
9 hazard area requirements of the Florida Building Code, Existing Building, Chapter 142
10 Historic Buildings.

11 **Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure,
12 including basement, but excluding any unfinished or flood-resistant enclosure, other than a
13 basement, usable solely for vehicle parking, building access or limited storage provided that
14 such enclosure is not built so as to render the structure in violation of the non-elevation
15 requirements of the Florida Building Code or ASCE 24. [Also defined in Florida Building
16 Code, B, Section 1612.2.]

17 **Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet
18 and which is built on a single chassis and is designed to provide seasonal or temporary living
19 quarters when connected to utilities necessary for operation of installed fixtures and
20 appliances. [Defined in ~~15C-1.0101, F.A.C.~~ Section 320.01, Florida Statutes.]

21 **Recreational Vehicle (or RV).** A vehicle, including a park trailer, which is: [Defined in
22 ~~F.S. §~~ Section 320.01, Florida Statutes. ~~(b)~~]

- 23 1. Built on a single chassis;
 - 24 2. Four hundred (400) square feet or less when measured at the largest horizontal
25 projection;
 - 26 3. Designed to be self-propelled or permanently towable by a light-duty truck; and
 - 27 4. Designed primarily not for use as a permanent dwelling but as temporary living
28 quarters for recreational, camping, travel, or seasonal use.
- 29

30 **Staff (County Staff).** Those representatives of County departments, offices, divisions, and
31 agencies responsible for reviewing Land Development proposals.

32 **Start of Construction relating to Floodplain Management Regulations.** The date of
33 issuance of permits for new construction and substantial improvements ~~to existing structures,~~
34 provided the actual start of construction, repair, reconstruction, rehabilitation, addition,
35 placement or other improvement is within one hundred eighty (180) days of the date of the
36 issuance. The actual start of construction means either the first placement of permanent
37 construction of a building (including a manufactured home) on a site, such as the pouring of
38 slab or footings, the installation of piles, the construction of columns. Permanent construction
39 does not include land preparation (such as clearing, grading or filling), the installation of
40 streets or walkways, excavation for a basement, footings, piers or foundations, the erection
41 of temporary forms or the installation of accessory buildings such as garages or sheds not
42 occupied as dwelling units or not part of the main buildings. For a substantial improvement,
43 the actual "start of construction" means the first alteration of any wall, ceiling, floor or other
44 structural part of a building, whether or not that alteration affects the external dimensions of
45 the building. [Also defined in Florida Building Code, B Section 1612.2.]

46 * * *

1 **Section 3. Amendment.** Lake County Code, Appendix E, Land Development Regulations,
2 Chapter IX, Section 9.07.00, entitled *Floodplain Management*, including its subsections listed below, are
3 amended to state as follows:

4 **9.07.00 Floodplain Management.**

5 **9.07.01 Administration.**

6 A. Scope. The provisions of this section shall apply to all development that is wholly within
7 or partially within any flood hazard area, including but not limited to the subdivision of
8 land; filling, grading, and other site improvements and utility installations; construction,
9 alteration, remodeling, enlargement, improvement, replacement, repair, relocation or
10 demolition of buildings, structures, and facilities that are exempt from the Florida Building
11 Code; placement, installation or replacement of manufactured homes and manufactured
12 buildings; installation or replacement of tanks; placement of recreational vehicles;
13 installation of swimming pools; and any other development.

14 B. Intent. The purposes of this Section and the flood load and flood resistant construction
15 requirements of the Florida Building Code are to establish minimum requirements to
16 safeguard the public health, safety and general welfare and to minimize public and private
17 losses due to flooding through regulation of development in flood hazard areas to:

- 18 1. Minimize unnecessary disruption of commerce, access and public service during times
19 of flooding;
- 20 2. Require the use of appropriate construction practices in order to prevent or minimize
21 future flood damage;
- 22 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations,
23 storage of equipment or materials and other development, which may increase flood
24 damage or erosion potential;
- 25 4. Manage the alteration of watercourses, flood hazard areas and shorelines to minimize
26 the impact of development on the natural and beneficial functions of the floodplain;
- 27 5. Minimize damage to public and private facilities and utilities;
- 28 6. Help maintain a stable tax base by providing for the sound use and development of
29 flood hazard areas;
- 30 7. Minimize the need for future expenditure of public funds for flood control projects and
31 response to and recovery from flood events; and
- 32 8. Meet the requirements of the National Flood Insurance Program for community
33 participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

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

37 D. Warning. The degree of flood protection required by this section and the Florida Building
38 Code, as amended by the County, is considered the minimum reasonable for regulatory
39 purposes and is based on scientific and engineering considerations. Larger floods can and
40 will occur. Flood heights may be increased by man-made or natural causes. This section
41 does not imply that land outside of mapped special flood hazard areas, or that uses
42 permitted within such flood hazard areas, will be free from flooding or flood damage. The
43 flood hazard areas and base flood elevations contained in the Flood Insurance Study and
44 shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal

1 Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management
2 Agency, requiring these regulations to be revised in order to remain eligible for
3 participation in the National Flood Insurance Program. No guaranty of vested use, existing
4 use or future use is implied or expressed by compliance with this Section.

- 5 E. Disclaimer of Liability. The degree of flood protection required by Section 9.07.00,
6 Florida Statutes, is considered reasonable for regulatory purposes and is based on
7 scientific and engineering considerations. This section shall not create liability by or
8 on the part of the Board of County Commissioners of Lake County ~~or by and its~~, officers
9 ~~and~~ employees thereof for any ~~flood~~ damage, ~~loss and harm~~ that results from reliance on
10 this section or any ~~administrative~~ decision lawfully made ~~thereunder~~ this section.

11 **9.07.02 Applicability.**

- 12 A. General. Where there is a conflict between a general requirement and a specific
13 requirement, the specific requirement shall be applicable.
- 14 B. Areas to which this section applies. This section shall apply to all flood hazard areas within
15 Lake County, as established in Subsection C.
- 16 C. Basis for establishing flood hazard areas. The Flood Insurance Study for Lake County,
17 Florida and Incorporated Areas dated ~~July 3, 2002~~ December 18, 2012, and all subsequent
18 amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM),
19 and all subsequent amendments and revisions to such maps, are adopted by reference as a
20 part of this section and shall serve as the minimum basis for establishing flood hazard areas.
21 Studies and maps that establish flood hazard areas are on file at the County office.
- 22 D. Submission of additional data to establish flood hazard areas. To establish flood hazard
23 areas and base flood elevations, pursuant to Section 14.09.01–(B)(3), the Floodplain
24 Administrator may require submission of additional data. Where field surveyed topography
25 prepared by a Florida licensed professional surveyor or digital topography accepted by the
26 County indicates that ground elevations:
- 27 1. Are below the closest applicable base flood elevation, even in areas not delineated as
28 a special flood hazard area on a FIRM, the area shall be considered as flood hazard
29 area and subject to the requirements of this section and, as applicable, the requirements
30 of the Florida Building Code.
 - 31 2. Are above the closest applicable base flood elevation, the area shall be regulated as
32 special flood hazard area unless the applicant obtains a Letter of Map Change that
33 removes the area from the special flood hazard area.
- 34 E. Other laws. The provisions of this section shall not be deemed to nullify any provisions of
35 local, state or federal law.
- 36 F. Conflicts. In the event of a conflict between this section and any other regulation, these
37 regulations shall take precedence over any less restrictive conflicting local law, ordinance
38 or code. This section shall not impair any deed restriction, covenant or easement, but any
39 land that is subject to such interests shall also be governed by this section.
- 40 G. Interpretation. In the interpretation and application of this section, all provisions shall be:
- 41 1. Considered as minimum requirements;
 - 42 2. Liberally construed in favor of the governing body; and
 - 43 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

1 **9.07.03 Duties and Powers of the Floodplain Administrator.**

2 A. Designation. The County Manager or designee is designated as the Floodplain
3 Administrator. The Floodplain Administrator may delegate performance of certain duties
4 to other employees.

5 B. General. The Floodplain Administrator is authorized and directed to administer, interpret,
6 and enforce the provisions of this section. The Floodplain Administrator shall not have the
7 authority to waive requirements specifically provided in this section without the granting
8 of a variance pursuant to Section 14.15.03.

9 C. Applications and permits. The Floodplain Administrator, in coordination with other
10 agencies, shall:

11 1. Review applications and plans to determine whether proposed new development will
12 be located in flood hazard areas;

13 2. Review applications for modification of any existing development in flood hazard
14 areas for compliance with the requirements of this section;

15 3. Interpret flood hazard area boundaries where such interpretation is necessary to
16 determine the exact location of boundaries; a person contesting the determination shall
17 have the opportunity to appeal the interpretation;

18 4. Provide available flood elevation and flood hazard information;

19 5. Determine whether additional flood hazard data shall be obtained from other sources
20 or shall be developed by an applicant;

21 6. Review applications to determine whether proposed development will be reasonably
22 safe from flooding;

23 7. Issue floodplain development permits or approvals for development other than
24 buildings and structures that are subject to the Florida Building Code, including
25 buildings, structures and facilities exempt from the Florida Building Code, when
26 compliance with this section is demonstrated, or disapprove the same in the event of
27 noncompliance; and

28 8. Coordinate with and provide comments to the Building Official to assure that
29 applications, plan reviews, and inspections for buildings and structures in flood hazard
30 areas comply with the applicable provisions of this section.

31 D. ~~Determinations for existing buildings and structures.~~ Substantial improvement and
32 substantial damage determinations. For applications for building permits to improve
33 buildings and structures, including alterations, movement, enlargement, replacement,
34 repair, change of occupancy, additions, rehabilitations, renovations, substantial
35 improvements, repairs of substantial damage, and any other improvement of or work on
36 such buildings and structures, the Floodplain Administrator, in coordination with the
37 Building Official, shall:

38 1. Estimate the market value, or require the applicant to obtain an appraisal of the market
39 value prepared by a qualified independent appraiser, of the building or structure before
40 the start of construction of the proposed work; in the case of repair, the market value
41 of the building or structure shall be the market value before the damage occurred and
42 before any repairs are made;

- 1 2. Compare the cost to perform the improvement, the cost to repair a damaged building
2 to its pre-damaged condition, or the combined costs of improvements and repairs, if
3 applicable, to the market value of the building or structure;
- 4 3. Determine and document whether the proposed work constitutes substantial
5 improvement or repair of substantial damage; and
- 6 4. Notify the applicant if it is determined that the work constitutes substantial
7 improvement or repair of substantial damage and that compliance with the flood
8 resistant construction requirements of the Florida Building Code and this section is
9 required.
- 10 E. Modifications of the strict application of the requirements of the Florida Building Code.
11 The Floodplain Administrator shall review requests submitted to the Building Official that
12 seek approval to modify the strict application of the flood load and flood resistant
13 construction requirements of the Florida Building Code to determine whether such requests
14 require the granting of a variance, pursuant to Section 14.15.03.
- 15 F. Notices and orders. The Floodplain Administrator shall coordinate with appropriate local
16 agencies for the issuance of all necessary notices or orders to ensure compliance with this
17 section.
- 18 G. Inspections. The Floodplain Administrator shall make the required inspections as specified
19 in Section 9.07.06 for development that is not subject to the Florida Building Code,
20 including buildings, structures and facilities exempt from the Florida Building Code. The
21 Floodplain Administrator shall inspect flood hazard areas to determine if development is
22 undertaken without issuance of a permit.
- 23 H. Other duties of the Floodplain Administrator. The Floodplain Administrator shall have
24 other duties, including but not limited to:
 - 25 1. Establish, in coordination with the Building Official, procedures for administering and
26 documenting determinations of substantial improvement and substantial damage made
27 pursuant to Section 9.07.03(D);
 - 28 2. Require that applicants proposing alteration of a watercourse notify adjacent
29 communities and the Florida Division of Emergency Management, State Floodplain
30 Management Office, and submit copies of such notifications to the Federal Emergency
31 Management Agency (FEMA);
 - 32 3. Require applicants who submit hydrologic and hydraulic engineering analyses to
33 support permit applications to submit to FEMA the data and information necessary to
34 maintain the Flood Insurance Rate Maps if the analyses propose to change base flood
35 elevations, flood hazard area boundaries, or floodway designations; such submissions
36 shall be made within six (6) months of such data becoming available;
 - 37 4. Review required design certifications and documentation of elevations specified by
38 this section and the Florida Building Code to determine that such certifications and
39 documentations are complete; and
 - 40 5. Notify ~~the Federal Emergency Management Agency~~FEMA when annexations are
41 approved.
- 42 I. Floodplain management records. Regardless of any limitation on the period required for
43 retention of public records, the Floodplain Administrator shall maintain and permanently
44 keep and make available for public inspection all records that are necessary for the
45 administration of this section and the flood resistant construction requirements of the

1 Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change;
2 records of issuance of permits and denial of permits; determinations of whether proposed
3 work constitutes substantial improvement or repair of substantial damage; required design
4 certifications and documentation of elevations specified by the Florida Building Code and
5 this section; notifications to adjacent communities, FEMA, and the state related to
6 alterations of watercourses; assurances that the flood carrying capacity of altered
7 watercourses will be maintained; documentation related to appeals and variances,
8 including justification for issuance or denial; and records of enforcement actions taken
9 pursuant to this section and the flood resistant construction requirements of the Florida
10 Building Code. These records shall be available for public inspection at the Public Works
11 Department.

12 **9.07.04 Permits.**

- 13 A. Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who
14 intends to undertake any development activity within the scope of this section, including
15 buildings, structures and facilities exempt from the Florida Building Code, which is wholly
16 within or partially within any flood hazard area shall first make application to the
17 Floodplain Administrator and the Building Official, if applicable, and shall obtain the
18 required permit(s) and approval(s). No such permit or approval shall be issued until
19 compliance with the requirements of this section and all other applicable codes and
20 regulations has been satisfied.
- 21 B. Floodplain development permits or approvals. Floodplain development permits or
22 approvals shall be issued pursuant to this section for any development activities not subject
23 to the requirements of the Florida Building Code, including buildings, structures and
24 facilities exempt from the Florida Building Code. Depending on the nature and extent of
25 proposed development that includes a building or structure, the Floodplain Administrator
26 may determine that a floodplain development permit or approval is required in addition to
27 a building permit.
- 28 C. Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the
29 requirements of federal regulation for participation in the National Flood Insurance
30 Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall
31 be required for the following buildings, structures and facilities. Structures identified in
32 F.S. § 553.73(10)(k), are exempt from the Florida Building Code, but are not exempt from
33 complying with the Floodplain regulations if such structures are located in flood hazard
34 areas established on Flood Insurance Rate Maps, including the following:
- 35 1. Railroads and ancillary facilities associated with the railroad.
 - 36 2. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
 - 37 3. Temporary buildings or sheds used exclusively for construction purposes.
 - 38 4. Mobile or modular structures used as temporary offices.
 - 39 5. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are
40 directly involved in the generation, transmission, or distribution of electricity.
 - 41 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole
42 Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided
43 wooden hut that has a thatched roof of palm or palmetto or other traditional materials,
44 and that does not incorporate any electrical, plumbing, or other non-wood features.

- 1 7. Family mausoleums not exceeding two hundred fifty (250) square feet in area which
- 2 are prefabricated and assembled on site or preassembled and delivered on site and have
- 3 walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- 4 8. Temporary housing provided by the Department of Corrections to any prisoner in the
- 5 state correctional system.
- 6 9. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building
- 7 Code if such structures are located in flood hazard areas established on Flood Insurance
- 8 Rate Maps.
- 9 D. Application for a permit or approval. To obtain a floodplain development permit or
- 10 approval the applicant shall first file an application in writing on forms furnished by the
- 11 Floodplain Administrator. The information provided shall:
 - 12 1. Identify and describe the development to be covered by the permit or approval.
 - 13 2. Describe the land on which the proposed development is to be conducted by legal
 - 14 description, street address or similar description that will readily identify and
 - 15 definitively locate the site.
 - 16 3. Indicate the use and occupancy for which the proposed development is intended.
 - 17 4. Be accompanied by a site plan or construction documents as specified in Section
 - 18 14.09.01(B)(3).
 - 19 5. State the valuation of the proposed work.
 - 20 6. Be signed by the applicant or the applicant's authorized agent.
 - 21 7. Give such other data and information as required by the Floodplain Administrator.
- 22 E. Validity of permit or approval. The issuance of permits based on submitted applications,
- 23 construction documents, and information shall not prevent the Floodplain Administrator
- 24 from requiring the correction of errors and omissions if discovered at a later date.
- 25 F. Expiration. A floodplain development permit or approval shall expire unless the work
- 26 authorized by such permit is commenced within one hundred eighty (180) days after its
- 27 issuance, or if the work authorized is suspended or abandoned for a period of one hundred
- 28 eighty (180) days after the work commences. Extensions for periods of not more than one
- 29 hundred eighty (180) days each shall be requested in writing no later than thirty (30) days
- 30 prior to the expiration date and may be granted if the applicant has demonstrated a good-
- 31 faith effort to substantially complete the work prior to any extension being granted.
- 32 G. Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke
- 33 a floodplain development permit or approval if the permit was issued in error, on the basis
- 34 of incorrect, inaccurate or incomplete information, or if the permittee is found to be in
- 35 violation of this section or any other section, regulation or requirement.
- 36 H. Other permits required. Floodplain development permits and building permits shall include
- 37 a condition that all other applicable state or federal permits be obtained before
- 38 commencement of the permitted development, including but not limited to the following:
 - 39 1. The St. Johns River and Southwest Florida Water Management Districts; F.S. §
 - 40 373.036.
 - 41 2. Florida Department of Health for onsite sewage treatment and disposal systems; F.S.
 - 42 § 381.0065, and Chapter 64E-6, F.A.C.

- 1 3. Florida Department of Environmental Protection for activities subject to the Joint
2 Coastal Permit; F.S. § 161.055.
- 3 4. Florida Department of Environmental Protection for activities that affect wetlands and
4 alter surface water flows, in conjunction with the U.S. Army Corps of Engineers;
5 Section 404 of the Clean Water Act.
- 6 5. Federal permits and approvals.

7 **9.07.05 Design and Construction of Buildings, Structures and Facilities exempt from the**
8 **Florida Building Code.**

9 Pursuant to Section 9.07.04(C), buildings, structures, and facilities including substantial
10 improvement or repair of substantial damage of such buildings, structures and facilities, shall
11 be designed and constructed in accordance with the flood load and flood resistant construction
12 requirements of ASCE 24. Structures that are not walled and roofed buildings shall comply
13 with the requirements of Section 9.07.12 of these regulations.

14 **9.07.06 Inspections.**

- 15 A. General. Development for which a floodplain development permit or approval is required
16 shall be subject to inspection.
- 17 B. Development other than buildings and structures. The Floodplain Administrator shall
18 inspect all development to determine compliance with the requirements of this section and
19 the conditions of issued floodplain development permits or approvals.
- 20 C. Buildings, structures and facilities exempt from the Florida Building Code. The Floodplain
21 Administrator shall inspect buildings, structures and facilities exempt from the Florida
22 Building Code to determine compliance with the requirements of this section and with any
23 conditions of a valid floodplain development permits or approvals.
- 24 D. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor
25 inspection. Upon placement of the lowest floor, including basement, and prior to further
26 vertical construction, the owner of a building, structure or facility exempt from the Florida
27 Building Code, or the owner's authorized agent, shall submit to the Floodplain
28 Administrator:
 - 29 1. If a design flood elevation was used to determine the required elevation of the lowest
30 floor, the certification of elevation of the lowest floor prepared and sealed by a Florida
31 licensed professional surveyor; or
 - 32 2. If the elevation used to determine the required elevation of the lowest floor was
33 determined in accordance with Section 14.09.01(B)(3)(c); ~~(3)(b)~~, the documentation of
34 height of the lowest floor above highest adjacent grade, prepared by the owner or the
35 owner's authorized agent.
- 36 E. Buildings, structures and facilities exempt from the Florida Building Code, final
37 inspection. As part of the final inspection, the owner or owner's authorized agent shall
38 submit to the Floodplain Administrator a final certification of elevation of the lowest floor
39 or final documentation of the height of the lowest floor above the highest adjacent grade;
40 such certifications and documentations shall be prepared as specified in Section
41 9.07.06(D).
- 42 F. Manufactured homes. The Building Official shall inspect manufactured homes that are
43 installed or replaced in flood hazard areas to determine compliance with the requirements

1 of this section and the conditions of the issued permit. Upon placement of a manufactured
2 home, certification of the elevation of the lowest floor shall be submitted to the Floodplain
3 Administrator.

4 **9.07.07 Variances and Appeals.**

5 The Board of Adjustment shall hear and make decisions on requests for appeals and requests
6 for variances from the strict application of this section, and the strict application of the flood
7 resistant construction requirements of the Florida Building Code.

8 **9.07.08 Violations.**

9 A. Violations. It shall be a violation of this section to perform any development regulated by
10 this section without a permit. The owner of a building or structure who cannot produce
11 documentation showing the elevation of the lowest floor, other required design
12 certifications, or other evidence of compliance required by this section or the Florida
13 Building Code is presumed to be in violation of this section until such time as that
14 documentation is provided.

15 B. Authority. For development that is not within the scope of the Florida Building Code, but
16 that is regulated by this section and is determined to be in violation, the Floodplain
17 Administrator is authorized to serve notices of violation or stop work orders to the property
18 owners, to the owner's agent, or to the person or persons performing the work.

19 C. Unlawful continuance. Any person who shall continue any work after having been served
20 with a notice of violation or a stop work order shall be subject to penalties as prescribed by
21 law, unless that person is directed to perform work that would remove or remedy a violation
22 or unsafe condition.

23 **9.07.09 Manufactured Homes.**

24 A. General. All manufactured homes installed in flood hazard areas shall be installed by an
25 installer that is licensed pursuant to [F.S. §Section 320.8249, Florida Statutes](#), and shall
26 comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this
27 section.

28 B. Foundations. All new manufactured homes and replacement manufactured homes installed
29 in flood hazard areas shall be installed on permanent, reinforced foundations that are
30 designed in accordance with the foundation requirements of the Florida Building Code,
31 Residential Section R322.2 and this section. [Foundations for manufactured homes subject
32 to Section 9.07.09\(F\), Florida Statutes, are permitted to be reinforced piers or other
33 foundation elements of at least equivalent strength.](#)

34 C. Anchoring. All new manufactured homes and replacement manufactured homes shall be
35 installed using methods and practices which minimize flood damage and shall be securely
36 anchored to an adequately anchored foundation system to resist flotation, collapse or lateral
37 movement. Methods of anchoring include, but are not limited to, use of over-the-top or
38 frame ties to ground anchors. Anchoring shall be in accordance with the Rules of
39 Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Chapter
40 15C-1.

41 This anchoring requirement is in addition to applicable state and local anchoring
42 requirements for wind resistance.

- 1 D. Elevation. Manufactured homes that are placed, replaced or substantially improved shall
2 comply with Sections 9.07.09(E) or 9.07.09(F), as applicable.
- 3 E. General elevation requirement. Unless subject to the requirements of Section 9.07.09(F),
4 all manufactured homes that are placed, replaced, or substantially improved on sites
5 located:
- 6 1. Outside of a manufactured home park or subdivision;
 - 7 2. In a new manufactured home park or subdivision;
 - 8 3. In an expansion to an existing manufactured home park or subdivision; or
 - 9 4. In an existing manufactured home park or subdivision upon which a manufactured
10 home has incurred "substantial damage" as the result of a flood, shall be elevated such
11 that the bottom of the frame is at or above the elevation required, as applicable to the
12 flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A)
13 or eighteen (18) inches above the base flood elevation, whichever is higher.
- 14 F. Elevation requirement for certain existing manufactured home parks and subdivisions.
15 Manufactured homes that are not subject to Section 9.07.09(E), including manufactured
16 homes that are placed, replaced or substantially improved on sites located in an existing
17 manufactured home park or subdivision, unless on a site where substantial damage as result
18 of flooding has occurred, shall be elevated such that either the:
- 19 1. Bottom of the frame of the manufactured home is at or above the elevation required in
20 the Florida Building Code, Residential Section R322.2 (Zone A) or eighteen (18)
21 inches above the base flood elevation, whichever is higher; or
 - 22 2. Bottom of the frame is supported by reinforced piers or other foundation elements of
23 at least equivalent strength that are not less than thirty-six (36) inches in height above
24 grade.
- 25 G. Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with
26 the requirements of the Florida Building Code, Residential Section R322 for such enclosed
27 areas.
- 28 H. Utility equipment. Utility equipment that serves manufactured homes, including electric,
29 heating, ventilation, plumbing, and air conditioning equipment and other service facilities,
30 shall comply with the requirements of the Florida Building Code, Residential Section
31 R322.
- 32 I. Designated Floodways and Streams. Manufactured homes shall be prohibited within
33 designated floodways and streams, except in an existing approved manufactured home park
34 or subdivision.

35 **9.07.10 Recreational Vehicles and Park Trailers.**

- 36 A. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood
37 hazard areas shall:
- 38 1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
 - 39 2. Be fully licensed and ready for highway use, which means the recreational vehicle or
40 park model is on wheels or jacking system, is attached to the site only by quick-
41 disconnect type utilities and security devices, and has no permanent attachments such
42 as additions, rooms, stairs, decks and porches.

- 1 B. Permanent placement. Recreational vehicles and park trailers that do not meet the
2 limitations in Section 9.07.10(A) for temporary placement shall meet the requirements of
3 Section 9.07.09 for manufactured homes.

4 **9.07.11 Tanks.**

- 5 A. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent
6 flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads
7 during conditions of the design flood, including the effects of buoyancy assuming the tank
8 is empty.
- 9 B. Above-ground tanks not elevated. Above-ground tanks that do not meet the elevation
10 requirements of Section 9.07.11(C) shall be permitted in flood hazard areas provided the
11 tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or
12 lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of
13 the design flood, including the effects of buoyancy assuming the tank is empty and the
14 effects of floodborne debris.
- 15 C. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached
16 to and elevated to or above the design flood elevation on a supporting structure that is
17 designed to prevent flotation, collapse or lateral movement during conditions of the design
18 flood. Tank-supporting structures shall meet the foundation requirements of the applicable
19 flood hazard area.
- 20 D. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
- 21 1. At or above the design flood elevation or fitted with covers designed to prevent the
22 inflow of floodwater or outflow of the contents of the tanks during conditions of the
23 design flood; and
- 24 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic
25 loads, including the effects of buoyancy, during conditions of the design flood.

26 **9.07.12 Other Development.**

- 27 A. General requirements for other development. All development, including man-made
28 changes to improved or unimproved property for which specific provisions are not
29 specified in this section or the Florida Building Code, shall:
- 30 1. Be located and constructed to minimize flood damage;
- 31 2. Meet the limitations of Section 14.20.04 if located in a regulated floodway;
- 32 3. Be anchored to prevent flotation, collapse or lateral movement resulting from
33 hydrostatic loads, including the effects of buoyancy, during conditions of the design
34 flood;
- 35 4. Be constructed of flood damage-resistant materials; and
- 36 5. Have mechanical, plumbing, and electrical systems above the design flood elevation
37 or eighteen (18) inches above base flood **elevationzone**, whichever is higher, **or meet**
38 **the requirements of ASCE 24**, except that minimum electric service required to address
39 life safety and electric code requirements is permitted below the design flood elevation
40 provided it conforms to the provisions of the electrical part of building code for wet
41 locations.

- 1 B. Fences in regulated floodways. Fences in regulated floodways that have the potential to
- 2 block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet
- 3 the limitations of Section 14.20.04.
- 4 C. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and
- 5 sidewalks and driveways that involve the placement of fill in regulated floodways shall
- 6 meet the limitations of Section 14.20.04.
- 7 D. Roads and watercourse crossings in regulated floodways. Roads and watercourse
- 8 crossings, including roads, bridges, culverts, low-water crossings and similar means for
- 9 vehicles or pedestrians to travel from one (1) side of a watercourse to the other side, that
- 10 encroach into regulated floodways shall meet the limitations of Section 14.20.04.
- 11 Alteration of a watercourse that is part of a road or watercourse crossing shall meet the
- 12 requirements of Section 14.09.01(B)(3)d.3.

13 **9.07.13 ~~Reserved.~~ Accessory Structures in Flood Hazard Areas.**

14 Accessory structures are permitted below the base flood elevation provided the Accessory

15 Structures are used only for parking or storage and:

- 16 1. If located in special flood hazard areas, are one-story and not larger than 600 sq. ft.
- 17 2. If located in special flood hazard areas have flood openings in accordance with Section
- 18 R322.2 of the Florida Building Code, Residential.
- 19 3. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- 20 4. Have flood damage-resistant materials used below the base flood elevation plus one (1)
- 21 foot.
- 22 5. Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated
- 23 eighteen (18) inches above the base flood elevation.

24 **9.07.14 Reserved.**

25 **Section 4. Amendment.** Lake County Code, Appendix E, Land Development Regulations,

26 Chapter XIV, Section 14.07.00 entitled *Subdivisions* is amended to modify subsection 14.07.03(C) and

27 subsection 14.07.04(A)(9). Unless referenced herein other provisions of Section 14.07.00 remain

28 unchanged by this ordinance.

29 **14.07.03 General Submittal Requirements.**

- 30 A. Format Requirements for all Submittals. All plans Shall include the following submittal
- 31 format requirements:
- 32 1. All plans Shall be drawn to an appropriate scale to depict the necessary details required
- 33 for review, unless the County Manager or designee determines that a different scale is
- 34 sufficient or necessary for proper review of the proposal, or another provision of these
- 35 regulations requires a different scale.
- 36 2. The plans Shall be a maximum of thirty (30) inches by forty-two (42) inches in size. A
- 37 three-quarter ($\frac{3}{4}$) inch margin Shall be provided on all sides except for the left binding
- 38 side where a two (2) inch margin Shall be provided unless the County Manager or
- 39 designee determines that a different size is sufficient or necessary for proper review of
- 40 the proposal.

- 1 3. If multiple sheets are used, the sheet number and total number of sheets must be clearly
- 2 indicated on each.
- 3 4. All plans Shall set aside a space five (5) inches by six (6) inches on the front page of
- 4 each set of submittals to be used for County approval stamps.
- 5 B. General Requirements for all Submittals. The front cover sheet of each plan Shall include:
- 6 1. A general vicinity or location map drawn to scale (both stated and graphic) showing
- 7 the position of the proposed site in the Section(s), Township and Range, together with
- 8 the principal roads, city limits, and/or other pertinent orientation information.
- 9 2. A complete legal description of the property.
- 10 3. The name, address and telephone number of the owner(s) of the property. Where a
- 11 corporation or company is the owner of the property, the name and address of the
- 12 president and secretary of the entity Shall be shown.
- 13 4. Name, business address, and telephone number of those individuals responsible for the
- 14 preparation of the drawing(s).
- 15 5. Each sheet Shall contain a title block with the name of the site, stated and graphic scale,
- 16 a north arrow, and date.
- 17 6. The plan Shall show the boundaries of the property with a metes and bounds
- 18 description reference to Section, Township and Range, tied to a Section or Quarter-
- 19 Section or subdivision name and lot number(s).
- 20 7. The area of the property shown in square feet and acres.
- 21 8. A recent aerial photograph encompassing the project area and identifying the project
- 22 area and total land areas with site improvements overlain. The aerial photograph Shall
- 23 be no older than the most recent aerials available from the County Manager or
- 24 designee. Newer aerial photographs may be required for projects in areas of major
- 25 activity. The scale Shall be no smaller than one (1) inch equals four hundred (400) feet.
- 26 C. Minimum Floodplain Requirements. ~~1.—Minimum requirements.~~ Subdivision proposals,
- 27 including proposals for manufactured home park subdivisions, shall be reviewed to
- 28 determine that:
 - 29 ~~a~~1. Such proposals are consistent with the need to minimize flood damage and will be
 - 30 reasonably safe from flooding;
 - 31 ~~b~~2. All public utilities and facilities such as sewer, gas, electric, communications and water
 - 32 systems are located and constructed to minimize or eliminate flood damage; and
 - 33 ~~e~~3. Adequate drainage is provided to reduce exposure to flood hazards in Zones AH and
 - 34 AO, adequate drainage paths shall be provided to guide floodwaters around and away
 - 35 from proposed structure.

36 **14.07.04 Preliminary Plats.**

- 37 A. Preliminary Plat Review and Approval. Applications for preliminary plat review Shall
- 38 be available from the County Manager or designee. A completed application Shall be
- 39 signed by all owners, or their agent, of the property subject to the proposal, and notarized.
- 40 Signatures by agents will be accepted only with notarized proof of authorization by the
- 41 owners. In a case of corporate ownership, the authorized signature Shall be accompanied
- 42 by a notation of the signatory's office in the corporation. The preliminary plat must be

1 approved by the County Manager or designee prior to the applicant submitting
2 construction plans. A preliminary plat submittal Shall include the following information:

3 * * *

- 4 9. Flood Hazard Areas. Where any portion of the proposed subdivision, including
5 manufactured home park subdivisions, lies within a flood hazard area, the following
6 shall be required:
- 7 a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design
8 flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
 - 9 b. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres
10 and base flood elevations are not included on the FIRM, the base flood elevations
11 determined in accordance with Section 14.09.01(B)(3)(c)-(1); and
 - 12 c. Compliance with the site improvement and utilities requirements of Section
13 14.20.00.

14 * * *

15 **Section 5. Amendment.** Lake County Code, Appendix E, Land Development Regulations,
16 Chapter XIV, Section 14.09.01, entitled *Site Plans*, is amended to modify Subsection 14.09.01(B)(3).
17 Unless referenced herein other provisions of Section 14.09.01 remain unchanged by this ordinance.

18 **14.09.01 Generally.** The County may approve site plans for non-residential development
19 or multi-family development if found to be in compliance with the requirements of these
20 regulations. Additionally, site plans Shall be required for all ancillary uses to a residential
21 subdivision, mobile home or recreational vehicle park, including but not limited to clubhouses,
22 community buildings, active recreation sites, golf courses, and community pools. No
23 application for a building permit on a parcel requiring site plan approval Shall be granted unless
24 the site has been approved by the County Manager or designee. No site plan which authorizes
25 the development of five (5) or more lots or dwelling units Shall be approved by the County
26 Manager, or designee, unless the School Board has provided a certification in accordance with
27 Chapter V-A of these regulations indicating that there is or will be sufficient school capacity
28 to provide education services for the students who will live in dwelling units placed or
29 constructed on such lots.

- 30 A. Applications for site plan review Shall be available at the office of the County Manager or
31 designee. A completed application Shall be signed by all owners, or their agent, of the
32 property subject to the proposal, and notarized. Signatures by agents will be accepted only
33 with notarized proof of authorization by the owners. In a case of corporate ownership, the
34 authorized signature Shall be accompanied by a notation of the signatory office in the
35 corporation.
- 36 B. Submittal requirements.

37 * * *

- 38 3. Information for development in flood hazard areas.
- 39 a. The site plan or construction documents for any development subject to the
40 requirements of the floodplain regulations shall be drawn to scale and shall include,
41 as applicable to the proposed development:
 - 42 (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s),
43 base flood elevation(s), and ground elevations if necessary for review of the
44 proposed development.

- 1 (2) Where ~~flood hazard areas~~, base flood elevations, or floodway data are not
2 included on the FIRM or in the Flood Insurance Study, they shall be
3 established in accordance with Section 14.09.01(B)(3)c. ~~(2) or (3)~~.
- 4 (3) Where the parcel on which the proposed development will take place will have
5 more than fifty (50) lots or is larger than five (5) acres and the base flood
6 elevations are not included on the FIRM or in the Flood Insurance Study, such
7 elevations shall be established in accordance with Section 14.09.01(B)(3)c. ~~(1)~~.
- 8 (4) Location of the proposed activity and proposed structures, and locations of
9 existing buildings and structures.
- 10 (5) Location, extent, amount and proposed final grades of any filling, grading or
11 excavation.
- 12 (6) Where the placement of fill is proposed, the amount, type and source of fill
13 material; compaction specifications; a description of the intended purpose of
14 the fill areas; and evidence that the proposed fill areas are the minimum
15 necessary to achieve the intended purpose.
- 16 (7) Existing and proposed alignment of any proposed alteration of a watercourse.
- 17 b. The Floodplain Administrator is authorized to waive the submission of site plans,
18 construction documents and other data that is required by the floodplain
19 regulations, but that are not required to be prepared by a registered design
20 professional, if it is found that the nature of the proposed development is such that
21 the review of such submissions is not necessary to ascertain compliance with the
22 floodplain regulations.
- 23 c. Information in flood hazard areas without base flood elevations (approximate Zone
24 A). Where flood hazard areas are delineated on the FIRM and base flood elevation
25 data have not been provided, the Floodplain Administrator shall:
- 26 (1) Require the applicant to include base flood elevation data prepared in
27 accordance with currently accepted engineering practices.
- 28 (2) Obtain, review and provide to applicants base flood elevation and floodway
29 data available from a federal or state agency or other source or require the
30 applicant to obtain and use base flood elevation and floodway data available
31 from a federal or state agency or other source; ~~or~~.
- 32 (3) Where base flood elevation and floodway data are not available from another
33 source, where the available data are deemed by the Floodplain Administrator
34 to not reasonably reflect flooding conditions, or where the available data are
35 known to be scientifically or technically incorrect or otherwise inadequate:
- 36 (a) Require the applicant to ~~include develop~~ base flood elevation data prepared
37 in accordance with currently accepted engineering practices; or
- 38 (b) ~~(3) Where base flood elevation data are not available from another~~
39 ~~source, Specify that~~ the base flood elevation is two (2) feet above the
40 highest adjacent grade at the location of the development, provided there
41 is no evidence indicating flood depths have been or may be greater than
42 two (2) feet; or
- 43 (4) Where the base flood elevation data is to be used to support a Letter of Map
44 Change from FEMA, advise the applicant that the analyses shall be prepared
45 by a Florida licensed engineer in a format required by FEMA, and that it shall

1 be the responsibility of the applicant to satisfy the submittal requirements and
2 pay the processing fees.

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

8 (1) For development activities proposed to be located in a regulatory floodway, a
9 floodway encroachment analysis that demonstrates that the encroachment of
10 the proposed development will not cause any increase in base flood elevations;
11 where the applicant proposes to undertake development activities that do
12 increase base flood elevations, the applicant shall submit such analysis to
13 FEMA as specified in Section 14.09.01(B)(3)e. and shall submit the
14 Conditional Letter of Map Revision, if issued by FEMA, with the site plan and
15 construction documents.

16 (2) For development activities proposed to be located in a riverine flood hazard
17 area for which base flood elevations are included in the Flood Insurance Study
18 or on the FIRM and floodways have not been designated, hydrologic and
19 hydraulic analyses that a floodway encroachment analysis which demonstrates
20 that the cumulative effect of the proposed development, when combined with
21 all other existing and anticipated flood hazard area encroachments, will not
22 increase the base flood elevation more than one (1) foot at any point within the
23 community. This requirement does not apply in isolated flood hazard areas not
24 connected to a riverine flood hazard area or in flood hazard areas identified as
25 Zone AO or Zone AH.

26 (3) For alteration of a watercourse, an engineering analysis prepared in accordance
27 with standard engineering practices which demonstrates that the flood-
28 carrying capacity of the altered or relocated portion of the watercourse will not
29 be decreased, and certification that the altered watercourse shall be maintained
30 in a manner which preserves the channel's flood-carrying capacity; the
31 applicant shall submit the analysis to FEMA as specified in Section
32 14.09.01(B)(3)e.

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

41 **Section 6. Amendment.** Subsection 14.20.01, regarding *Site Improvements, Utilities and*
42 *Limitations* of Lake County Code, Appendix E, Land Development Regulations, Chapter XIV, Section
43 14.20.00, is amended as follows. Unless referenced herein, all other provisions of Section 14.20.00, remain
44 unchanged by this ordinance.

45 **14.20.00 Site Improvements, Utilities and Limitations.**

1 **14.20.01 Minimum requirements.** All proposed new development shall be reviewed
2 to determine that:

- 3 1. Such proposals are consistent with the need to minimize flood damage and will be
4 reasonably safe from flooding;
- 5 2. All public utilities and facilities such as sewer, gas, electric, communications, and water
6 systems are located and constructed to minimize or eliminate flood damage;
- 7 3. Adequate drainage is provided to reduce exposure to flood hazards in Zone AH and Zone
8 AO, adequate drainage paths shall be provided to guide floodwaters around and away from
9 proposed structures;
- 10 4. Development shall not result in an increase in the base flood elevation; and
- 11 5. Where buildable area exists out of the flood-prone area, development shall take place in
12 that area.

13 * * *

14 **Section 7. Severability.** If any section, sentence, clause, or phrase or word of this
15 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by any court
16 of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of
17 this Ordinance; and it shall be construed to have been the Commissioners' intent to pass this Ordinance
18 without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after
19 the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been
20 included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person,
21 groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not
22 affect the applicability thereof to any other person, property or circumstances.

23 **Section 8. Inclusion in the Code.** It is the intent of the Board of County Commissioners that
24 the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the
25 sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to
26 "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

27 **Section 9. Filing with the Department of State.** The Clerk shall be and is hereby directed
28 forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State of Florida in
29 accordance with Section 125.66, Florida Statutes.

Ordinance 2020-__ Floodplain Management Updates

Section 10. Effective Date. This Ordinance shall become effective as provide for by law.

Enacted this _____ day of _____, 2020.

Filed with the Secretary of State _____, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Gary J. Cooney, Clerk
Board of County Commissioners
of Lake County, Florida

Leslie Campione, Chairman
This ____ day of _____, 2020.

Approved as to form and legality:

Melanie Marsh, County Attorney