

**Summary of Ordinance**

This Ordinance amends Section 9.07.00, Lake County Code, Appendix E, Land Development Regulations (LDR), entitled *Floodplain Management*, and Section 14.15.03, Lake County Code, Appendix E, Land Development Regulations, entitled *VariANCES to the Floodplain Management Regulations and the Flood Resistant Construction Requirements of the Florida Building Code*, to update the County’s regulations as required by the Federal Emergency Management Agency (FEMA), and amending Chapter II, LDR, to adjust definitions.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code

**ORDINANCE NO. 2023-\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE FOLLOWING SECTIONS OF THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS: SECTION 9.07.00, ENTITLED *FLOODPLAIN MANAGEMENT*; SECTION 14.15.03, ENTITLED *VARIANCES TO THE FLOODPLAIN MANAGEMENT REGULATIONS AND THE FLOOD RESISTANT CONSTRUCTION REQUIREMENTS OF THE FLORIDA BUILDING CODE*; CHAPTER II, ENTITLED *DEFINITIONS*, PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, Lake County participates in the National Flood Insurance Program (NFIP) and participates in the NFIP Community Rating System (CRS), a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class #7, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

**WHEREAS**, in 2020 the NFIP CRS established a certain minimum prerequisite for communities to qualify for or maintain class ratings of Class 8 or better; and

**WHEREAS**, to satisfy the prerequisite and for Lake County to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus one (1) foot, which necessitates modification of the existing requirements; and

1           **WHEREAS**, the Lake County Board of County Commissioners has determined that it is  
2 in the public interest to amend the floodplain management regulations to better protect  
3 manufactured homes and to continue participating in the CRS at the current class rating.

4  
5           **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of  
6 Lake County, Florida as follows:

7  
8           **Section 1.     Legal Findings of Fact.** The foregoing recitals are hereby adopted as  
9 legislative findings of the Board of County Commissioners and are ratified and confirmed as being  
10 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

11  
12           **Section 2.     Amendment.** Section 9.07.00, Lake County Code, Appendix E, Land  
13 Development Regulations, entitled *Floodplain Management*, is amended to read as follows:  
14

15   **9.07.00 Floodplain Management.**

16       **9.07.01 Administration.**

17       A. Scope. The provisions of this ~~S~~section shall apply to all development that is wholly  
18 within or partially within any flood hazard area, including, but not limited to, the  
19 subdivision of land; filling, grading, and other site improvements and utility  
20 installations; construction, alteration, remodeling, enlargement, improvement,  
21 replacement, repair, relocation or demolition of buildings, structures, and facilities that  
22 are exempt from the Florida Building Code; placement, installation or replacement of  
23 manufactured homes and manufactured buildings; installation or replacement of tanks;  
24 placement of recreational vehicles; installation of swimming pools; and any other  
25 development.

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

- 31           1. Minimize unnecessary disruption of commerce, access and public service during  
32           times of flooding;
- 33           2. Require the use of appropriate construction practices in order to prevent or  
34           minimize future flood damage;
- 35           3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations,  
36           storage of equipment or materials and other development, which may increase flood  
37           damage or erosion potential;
- 38           4. Manage the alteration of watercourses, flood hazard areas and shorelines to  
39           minimize the impact of development on the natural and beneficial functions of the  
40           floodplain;
- 41           5. Minimize damage to public and private facilities and utilities;

- 1           6. Help maintain a stable tax base by providing for the sound use and development of  
2           flood hazard areas;
- 3           7. Minimize the need for future expenditure of public funds for flood control projects  
4           and response to and recovery from flood events; and
- 5           8. Meet the requirements of the National Flood Insurance Program for community  
6           participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- 7        C. Coordination with the Florida Building Code. This Ssection is intended to be  
8        administered and enforced in conjunction with the Florida Building Code. Where cited,  
9        American Society of Civil Engineers (ASCE) 24 refers to the edition of the standard that  
10       is referenced by the Florida Building Code.
- 11       D. Warning. The degree of flood protection required by this Ssection and the Florida  
12       Building Code, as amended by the County, is considered the minimum reasonable for  
13       regulatory purposes and is based on scientific and engineering considerations. Larger  
14       floods can and will occur. Flood heights may be increased by man-made or natural  
15       causes. This Ssection does not imply that land outside of mapped special flood hazard  
16       areas, or that uses permitted within such flood hazard areas, will be free from flooding  
17       or flood damage. The flood hazard areas and base flood elevations contained in the Flood  
18       Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title  
19       44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal  
20       Emergency Management Agency, requiring these regulations to be revised in order to  
21       remain eligible for participation in the National Flood Insurance Program. No guaranty  
22       of vested use, existing use or future use is implied or expressed by compliance with this  
23       Section.
- 24       E. Disclaimer of Liability. The degree of flood protection required by Section 9.07.00 of  
25       these regulations is considered reasonable for regulatory purposes and is based on  
26       scientific and engineering considerations. This Ssection shall not create liability by or  
27       on the part of the Board of County Commissioners of Lake County and its officers and  
28       employees for any damage, loss and harm that results from reliance on this Ssection or  
29       any decision lawfully made under this Ssection.

30       **9.07.02 Applicability.**

- 31       A. General. Where there is a conflict between a general requirement and a specific  
32       requirement, the specific requirement shall be applicable.
- 33       B. Areas to which this Ssection applies. This Ssection shall apply to all flood hazard areas  
34       within Lake County, as established in Subsection C.
- 35       C. Basis for establishing flood hazard areas. The Flood Insurance Study for Lake County,  
36       Florida and Incorporated Areas dated December 18, 2012, and all subsequent  
37       amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM),  
38       and all subsequent amendments and revisions to such maps, are adopted by reference as  
39       a part of this Ssection and shall serve as the minimum basis for establishing flood hazard  
40       areas. Studies and maps that establish flood hazard areas are on file at the County office.
- 41       D. Submission of additional data to establish flood hazard areas. To establish flood hazard  
42       areas and base flood elevations, pursuant to Section 14.09.01-(B)(3), the Floodplain

1 Administrator may require submission of additional data. Where field surveyed  
2 topography prepared by a Florida licensed professional surveyor or digital topography  
3 accepted by the County indicates that ground elevations:

4 1. Are below the closest applicable base flood elevation, even in areas not delineated  
5 as a special flood hazard area on a FIRM, the area shall be considered as flood  
6 hazard area and subject to the requirements of this Ssection and, as applicable, the  
7 requirements of the Florida Building Code.

8 2. Are above the closest applicable base flood elevation, the area shall be regulated as  
9 special flood hazard area unless the applicant obtains a Letter of Map Change that  
10 removes the area from the special flood hazard area.

11 E. Other laws. The provisions of this Ssection shall not be deemed to nullify any provisions  
12 of local, state or federal law.

13 F. Conflicts. In the event of a conflict between this Ssection and any other regulation, these  
14 regulations shall take precedence over any less restrictive conflicting local law,  
15 ordinance or code. This Ssection shall not impair any deed restriction, covenant or  
16 easement, but any land that is subject to such interests shall also be governed by this  
17 Ssection.

18 G. Interpretation. In the interpretation and application of this Ssection, all provisions shall  
19 be:

20 1. Considered as minimum requirements;

21 2. Liberally construed in favor of the governing body; and

22 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

23 **9.07.03 Duties and Powers of the Floodplain Administrator.**

24 A. Designation. The County Manager or designee is designated as the Floodplain  
25 Administrator. The Floodplain Administrator may delegate performance of certain  
26 duties to other employees.

27 B. General. The Floodplain Administrator is authorized and directed to administer,  
28 interpret, and enforce the provisions of this Ssection. The Floodplain Administrator shall  
29 not have the authority to waive requirements specifically provided in this Ssection  
30 without the granting of a variance pursuant to Section 14.15.03, Lake County Code.

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

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

35 2. Review applications for modification of any existing development in flood hazard  
36 areas for compliance with the requirements of this Ssection;

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

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

- 1           5. Determine whether additional flood hazard data shall be obtained from other  
2           sources or shall be developed by an applicant;
- 3           6. Review applications to determine whether proposed development will be  
4           reasonably safe from flooding;
- 5           7. Issue floodplain development permits or approvals for development other than  
6           buildings and structures that are subject to the Florida Building Code, including  
7           buildings, structures and facilities exempt from the Florida Building Code, when  
8           compliance with this Ssection is demonstrated, or disapprove the same in the event  
9           of noncompliance; and
- 10          8. Coordinate with and provide comments to the Building Official to assure that  
11          applications, plan reviews, and inspections for buildings and structures in flood  
12          hazard areas comply with the applicable provisions of this Ssection.
- 13          D. Substantial improvement and substantial damage determinations. For applications for  
14          building permits to improve buildings and structures, including alterations, movement,  
15          enlargement, replacement, repair, change of occupancy, additions, rehabilitations,  
16          renovations, substantial improvements, repairs of substantial damage, and any other  
17          improvement of or work on such buildings and structures, the Floodplain Administrator,  
18          in coordination with the Building Official, shall:
  - 19           1. Estimate the market value, or require the applicant to obtain an appraisal of the  
20           market value prepared by a qualified independent appraiser, of the building or  
21           structure before the start of construction of the proposed work; in the case of repair,  
22           the market value of the building or structure shall be the market value before the  
23           damage occurred and before any repairs are made;
  - 24           2. Compare the cost to perform the improvement, the cost to repair a damaged  
25           building to its pre-damaged condition, or the combined costs of improvements and  
26           repairs, if applicable, to the market value of the building or structure;
  - 27           3. Determine and document whether the proposed work constitutes substantial  
28           improvement or repair of substantial damage; and
  - 29           4. Notify the applicant if it is determined that the work constitutes substantial  
30           improvement or repair of substantial damage and that compliance with the flood  
31           resistant construction requirements of the Florida Building Code and this Ssection  
32           is required.
- 33          E. Modifications of the strict application of the requirements of the Florida Building Code.  
34          The Floodplain Administrator shall review requests submitted to the Building Official  
35          that seek approval to modify the strict application of the flood load and flood resistant  
36          construction requirements of the Florida Building Code to determine whether such  
37          requests require the granting of a variance, pursuant to Section 14.15.03, Lake County  
38          Code.
- 39          F. Notices and orders. The Floodplain Administrator shall coordinate with appropriate local  
40          agencies for the issuance of all necessary notices or orders to ensure compliance with  
41          this Ssection.

- 1 G. Inspections. The Floodplain Administrator shall make the required inspections as  
2 specified in Section 9.07.06 for development that is not subject to the Florida Building  
3 Code, including buildings, structures and facilities exempt from the Florida Building  
4 Code. The Floodplain Administrator shall inspect flood hazard areas to determine if  
5 development is undertaken without issuance of a permit.
- 6 H. Other duties of the Floodplain Administrator. The Floodplain Administrator shall have  
7 other duties, including, but not limited to:
- 8 1. Establish, in coordination with the Building Official, procedures for administering  
9 and documenting determinations of substantial improvement and substantial  
10 damage made pursuant to Section 9.07.03(D);
  - 11 2. Require that applicants proposing alteration of a watercourse notify adjacent  
12 communities and the Florida Division of Emergency Management, State Floodplain  
13 Management Office, and submit copies of such notifications to the Federal  
14 Emergency Management Agency (FEMA);
  - 15 3. Require applicants who submit hydrologic and hydraulic engineering analyses to  
16 support permit applications to submit to FEMA the data and information necessary  
17 to maintain the Flood Insurance Rate Maps if the analyses propose to change base  
18 flood elevations, flood hazard area boundaries, or floodway designations; such  
19 submissions shall be made within six (6) months of such data becoming available;
  - 20 4. Review required design certifications and documentation of elevations specified by  
21 this Ssection and the Florida Building Code to determine that such certifications  
22 and documentations are complete; and
  - 23 5. Notify FEMA when annexations are approved.
- 24 I. Floodplain management records. Regardless of any limitation on the period required for  
25 retention of public records, the Floodplain Administrator shall maintain and permanently  
26 keep and make available for public inspection all records that are necessary for the  
27 administration of this Ssection and the flood resistant construction requirements of the  
28 Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change;  
29 records of issuance of permits and denial of permits; determinations of whether proposed  
30 work constitutes substantial improvement or repair of substantial damage; required  
31 design certifications and documentation of elevations specified by the Florida Building  
32 Code and this Ssection; notifications to adjacent communities, FEMA, and the state  
33 related to alterations of watercourses; assurances that the flood carrying capacity of  
34 altered watercourses will be maintained; documentation related to appeals and variances,  
35 including justification for issuance or denial; and records of enforcement actions taken  
36 pursuant to this Ssection and the flood resistant construction requirements of the Florida  
37 Building Code. These records shall be available for public inspection at the Public Works  
38 Department.

39 **9.07.04 Permits.**

- 40 A. Permits required. Any owner or owner’s authorized agent (hereinafter “applicant”) who  
41 intends to undertake any development activity within the scope of this Ssection,  
42 including buildings, structures and facilities exempt from the Florida Building Code,  
43 which is wholly within or partially within any flood hazard area shall first make

1 application to the Floodplain Administrator and the Building Official, if applicable, and  
2 shall obtain the required permit(s) and approval(s). No such permit or approval shall be  
3 issued until compliance with the requirements of this Section and all other applicable  
4 codes and regulations has been satisfied.

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

12 C. Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to  
13 the requirements of federal regulation for participation in the National Flood Insurance  
14 Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals  
15 shall be required for the following buildings, structures and facilities. Structures  
16 identified in F.S. § Section 553.73(10)(k), Florida Statutes, are exempt from the Florida  
17 Building Code, but are not exempt from complying with the Floodplain regulations if  
18 such structures are located in flood hazard areas established on Flood Insurance Rate  
19 Maps, including the following:

- 20 1. Railroads and ancillary facilities associated with the railroad.
- 21 2. Nonresidential farm buildings on farms, as provided in Section 604.50, Florida  
22 Statutes.
- 23 3. Temporary buildings or sheds used exclusively for construction purposes.
- 24 4. Mobile or modular structures used as temporary offices.
- 25 5. Those structures or facilities of electric utilities, as defined in Section 366.02,  
26 Florida Statutes, which are directly involved in the generation, transmission, or  
27 distribution of electricity.
- 28 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the  
29 Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an  
30 open-sided wooden hut that has a thatched roof of palm or palmetto or other  
31 traditional materials, and that does not incorporate any electrical, plumbing, or other  
32 non-wood features.
- 33 7. Family mausoleums not exceeding two hundred fifty (250) square feet in area  
34 which are prefabricated and assembled on site or preassembled and delivered on  
35 site and have walls, roofs, and a floor constructed of granite, marble, or reinforced  
36 concrete.
- 37 8. Temporary housing provided by the Department of Corrections to any prisoner in  
38 the state correctional system.
- 39 9. Structures identified in Section 553.73(10)(k), Florida Statutes, are not exempt from  
40 the Florida Building Code if such structures are located in flood hazard areas  
41 established on Flood Insurance Rate Maps.

- 1 D. Application for a permit or approval. To obtain a floodplain development permit or  
2 approval the applicant shall first file an application in writing on forms furnished by the  
3 Floodplain Administrator. The information provided shall:
- 4 1. Identify and describe the development to be covered by the permit or approval.
  - 5 2. Describe the land on which the proposed development is to be conducted by legal  
6 description, street address or similar description that will readily identify and  
7 definitively locate the site.
  - 8 3. Indicate the use and occupancy for which the proposed development is intended.
  - 9 4. Be accompanied by a site plan or construction documents as specified in Section  
10 14.09.01(B)(3).
  - 11 5. State the valuation of the proposed work.
  - 12 6. Be signed by the applicant or the applicant's authorized agent.
  - 13 7. Give such other data and information as required by the Floodplain Administrator.
- 14 E. Validity of permit or approval. The issuance of permits based on submitted applications,  
15 construction documents, and information shall not prevent the Floodplain Administrator  
16 from requiring the correction of errors and omissions if discovered at a later date.
- 17 F. Expiration. A floodplain development permit or approval shall expire unless the work  
18 authorized by such permit is commenced within one hundred eighty (180) days after its  
19 issuance, or if the work authorized is suspended or abandoned for a period of one  
20 hundred eighty (180) days after the work commences. Extensions for periods of not more  
21 than one hundred eighty (180) days each shall be requested in writing no later than thirty  
22 (30) days prior to the expiration date and may be granted if the applicant has  
23 demonstrated a good-faith effort to substantially complete the work prior to any  
24 extension being granted.
- 25 G. Suspension or revocation. The Floodplain Administrator is authorized to suspend or  
26 revoke a floodplain development permit or approval if the permit was issued in error, on  
27 the basis of incorrect, inaccurate or incomplete information, or if the permittee is found  
28 to be in violation of this Ssection or any other Ssection, regulation or requirement.
- 29 H. Other permits required. Floodplain development permits and building permits shall  
30 include a condition that all other applicable state or federal permits be obtained before  
31 commencement of the permitted development, including, but not limited to, the  
32 following:
- 33 1. The St. Johns River and Southwest Florida Water Management Districts; Section  
34 373.036, Florida Statutes.
  - 35 2. Florida Department of Health for onsite sewage treatment and disposal systems;  
36 Section 381.0065, Florida Statutes, and Chapter 64E-6, F.A.C.
  - 37 3. Florida Department of Environmental Protection for activities subject to the Joint  
38 Coastal Permit; Section 161.055, Florida Statutes.



1           4. Florida Department of Environmental Protection for activities that affect wetlands  
2           and alter surface water flows, in conjunction with the U.S. Army Corps of  
3           Engineers; Section 404 of the Clean Water Act.

4           5. Federal permits and approvals.

5           **9.07.05 Design and Construction of Buildings, Structures and Facilities exempt from**  
6           **the Florida Building Code.**

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

12          **9.07.06 Inspections.**

13          A. General. Development for which a floodplain development permit or approval is  
14          required shall be subject to inspection.

15          B. Development other than buildings and structures. The Floodplain Administrator shall  
16          inspect all development to determine compliance with the requirements of this ~~S~~section  
17          and the conditions of issued floodplain development permits or approvals.

18          C. Buildings, structures and facilities exempt from the Florida Building Code. The  
19          Floodplain Administrator shall inspect buildings, structures and facilities exempt from  
20          the Florida Building Code to determine compliance with the requirements of this  
21          ~~S~~section and with any conditions of a valid floodplain development permits or approvals.

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

27                1. If a design flood elevation was used to determine the required elevation of the  
28                lowest floor, the certification of elevation of the lowest floor prepared and sealed  
29                by a Florida licensed professional surveyor; or

30                2. If the elevation used to determine the required elevation of the lowest floor was  
31                determined in accordance with Section 14.09.01(B)(3)(c)(3)(b), the documentation  
32                of height of the lowest floor above highest adjacent grade, prepared by the owner  
33                or the owner's authorized agent.

34          E. Buildings, structures and facilities exempt from the Florida Building Code, final  
35          inspection. As part of the final inspection, the owner or owner's authorized agent shall  
36          submit to the Floodplain Administrator a final certification of elevation of the lowest  
37          floor or final documentation of the height of the lowest floor above the highest adjacent  
38          grade; such certifications and documentations shall be prepared as specified in Section  
39          9.07.06(D).

40          F. Manufactured homes. The Building Official shall inspect manufactured homes that are  
41          installed or replaced in flood hazard areas to determine compliance with the

1 requirements of this Ssection and the conditions of the issued permit. Upon placement  
2 of a manufactured home, certification of the elevation of the lowest floor shall be  
3 submitted to the Floodplain 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 Ssection, 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 Ssection to perform any development regulated  
10 by this Ssection without a permit. The owner of a building or structure who cannot  
11 produce documentation showing the elevation of the lowest floor, other required design  
12 certifications, or other evidence of compliance required by this Ssection or the Florida  
13 Building Code is presumed to be in violation of this Ssection 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,  
16 but that is regulated by this Ssection and is determined to be in violation, the Floodplain  
17 Administrator is authorized to serve notices of violation or stop work orders to the  
18 property 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  
20 served with a notice of violation or a stop work order shall be subject to penalties as  
21 prescribed by law, unless that person is directed to perform work that would remove or  
22 remedy a violation 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 Section 320.8249, Florida Statutes, and shall comply  
26 with the requirements of Chapter 15C-1, F.A.C. and the requirements of this Ssection.
- 27 B. Foundations. All new manufactured homes and replacement manufactured homes  
28 installed in flood hazard areas shall be installed on permanent, reinforced foundations  
29 that are designed in accordance with the foundation requirements of the Florida Building  
30 Code, Residential Section R322.2 and this Ssection. ~~Foundations for manufactured  
31 homes subject to Section 9.07.09(F), are permitted to be reinforced piers or other  
32 foundation elements of at least equivalent strength.~~
- 33 C. Anchoring. All new manufactured homes and replacement manufactured homes shall be  
34 installed using methods and practices which minimize flood damage and shall be  
35 securely anchored to an adequately anchored foundation system to resist flotation,  
36 collapse or lateral movement. Methods of anchoring include, but are not limited to, use  
37 of over-the-top or frame ties to ground anchors. Anchoring shall be in accordance with  
38 the Rules of Department of Highway Safety and Motor Vehicles, Division of Motor  
39 Vehicles, Chapter 15C-1, F.A.C. This anchoring requirement is in addition to applicable  
40 state and local anchoring requirements for wind resistance.
- 41 D. Elevation. All manufactured homes that are placed, replaced, or substantially improved  
42 in flood hazard areas shall be elevated such that the bottom of the frame is at or above

1 ~~the elevation required in the Florida Building Code, Residential Section R322.2 (Zone~~  
2 ~~A) or eighteen (18) inches above the base flood elevation, whichever is higher.~~  
3 ~~Manufactured homes that are placed, replaced or substantially improved shall comply~~  
4 ~~with Sections 9.07.09(E) or 9.07.09(F), as applicable.~~

5 ~~E.—General elevation requirement. Unless subject to the requirements of Section 9.07.09(F),~~  
6 ~~all manufactured homes that are placed, replaced, or substantially improved on sites~~  
7 ~~located:~~

8 ~~1.—Outside of a manufactured home park or subdivision;~~

9 ~~2.—In a new manufactured home park or subdivision;~~

10 ~~3.—In an expansion to an existing manufactured home park or subdivision; or~~

11 ~~4.—In an existing manufactured home park or subdivision upon which a manufactured~~  
12 ~~home has incurrd "substantial damage" as the result of a flood, shall be elevated~~  
13 ~~such that the bottom of the frame is at or above the elevation required, as applicable~~  
14 ~~to the flood hazard area, in the Florida Building Code, Residential Section R322.2~~  
15 ~~(Zone A) or eighteen (18) inches above the base flood elevation, whichever is~~  
16 ~~higher.~~

17 ~~F.—Elevation requirement for certain existing manufactured home parks and subdivisions.~~  
18 ~~Manufactured homes that are not subject to Section 9.07.09(E), including manufactured~~  
19 ~~homes that are placed, replaced or substantially improved on sites located in an existing~~  
20 ~~manufactured home park or subdivision, unless on a site where substantial damage as~~  
21 ~~result of flooding has occurred, shall be elevated such that either the:~~

22 ~~1.—Bottom of the frame of the manufactured home is at or above the elevation required~~  
23 ~~in the Florida Building Code, Residential Section R322.2 (Zone A) or eighteen (18)~~  
24 ~~inches above the base flood elevation, whichever is higher; or~~

25 ~~2.—Bottom of the frame is supported by reinforced piers or other foundation elements~~  
26 ~~of at least equivalent strength that are not less than thirty-six (36) inches in height~~  
27 ~~above grade.~~

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

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

35 **GI.** Designated Floodways and Streams. Manufactured homes shall be prohibited within  
36 designated floodways and streams, except in an existing approved manufactured home  
37 park or subdivision.

### 38 **9.07.10 Recreational Vehicles and Park Trailers.**

39 **A.** Temporary placement. Recreational vehicles and park trailers placed temporarily in  
40 flood hazard areas shall:

- 1           1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
- 2           2. Be fully licensed and ready for highway use, which means the recreational vehicle
- 3           or park model is on wheels or jacking system, is attached to the site only by quick-
- 4           disconnect type utilities and security devices, and has no permanent attachments
- 5           such as additions, rooms, stairs, decks and porches.

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

#### 9           **9.07.11 Tanks.**

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

- 14          B. Above-ground tanks not elevated. Above-ground tanks that do not meet the elevation
- 15          requirements of Section 9.07.11(C) shall be permitted in flood hazard areas provided the
- 16          tanks are anchored or otherwise designed and constructed to prevent flotation, collapse
- 17          or lateral movement resulting from hydrodynamic and hydrostatic loads during
- 18          conditions of the design flood, including the effects of buoyancy assuming the tank is
- 19          empty and the effects of floodborne debris.

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

- 25          D. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

- 26           1. At or above the design flood elevation or fitted with covers designed to prevent the
- 27           inflow of floodwater or outflow of the contents of the tanks during conditions of
- 28           the design flood; and
- 29           2. Anchored to prevent lateral movement resulting from hydrodynamic and
- 30           hydrostatic loads, including the effects of buoyancy, during conditions of the design
- 31           flood.

#### 32          **9.07.12 Other Development.**

- 33          A. General requirements for other development. All development, including man-made
- 34          changes to improved or unimproved property for which specific provisions are not
- 35          specified in this **S**ection or the Florida Building Code, shall:

- 36           1. Be located and constructed to minimize flood damage;
- 37           2. Meet the limitations of Section 14.20.04 if located in a regulated floodway;
- 38           3. Be anchored to prevent flotation, collapse or lateral movement resulting from
- 39           hydrostatic loads, including the effects of buoyancy, during conditions of the design
- 40           flood;

- 1           4. Be constructed of flood damage-resistant materials; and
- 2           5. Have mechanical, plumbing, and electrical systems above the design flood
- 3           elevation or eighteen (18) inches above base flood elevation, whichever is higher,
- 4           or meet the requirements of ASCE 24, except that minimum electric service
- 5           required to address life safety and electric code requirements is permitted below the
- 6           design flood elevation provided it conforms to the provisions of the electrical part
- 7           of building code for wet locations.
- 8        B. Fences in regulated floodways. Fences in regulated floodways that have the potential to
- 9        block the passage of floodwaters, such as stockade fences and wire mesh fences, shall
- 10       meet the limitations of Section 14.20.04.
- 11       C. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and
- 12       sidewalks and driveways that involve the placement of fill in regulated floodways shall
- 13       meet the limitations of Section 14.20.04.
- 14       D. Roads and watercourse crossings in regulated floodways. Roads and watercourse
- 15       crossings, including roads, bridges, culverts, low-water crossings and similar means for
- 16       vehicles or pedestrians to travel from one (1) side of a watercourse to the other side, that
- 17       encroach into regulated floodways shall meet the limitations of Section 14.20.04.
- 18       Alteration of a watercourse that is part of a road or watercourse crossing shall meet the
- 19       requirements of Section 14.09.01(B)(3)d.3.

20       **9.07.13 Accessory Structures in Flood Hazard Areas.**

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

22       Accessory Structures are used only for parking or storage and:

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

32       **9.07.14 Reserved.**

33

34       **Section 3. Amendment.** Section 14.15.03, Lake County Code, Appendix E, Land

35       Development Regulations, entitled *Variances to the Floodplain Management Regulations and the*

36       *Flood Resistant Construction Requirements of the Florida Building Code*, is amended to read as

37       follows:

38

39       **14.15.03 Variances to the Floodplain Management Regulations and the Flood Resistant**

40       **Construction Requirements of the Florida Building Code.**

- 1 A. Limitations on authority to grant variances. The Board of Adjustment shall base its  
2 decisions on variances on technical justifications submitted by applicants, the  
3 considerations for issuance in Section 14.15.03(E), the conditions of issuance set forth  
4 in Section 14.15.03(F), and the comments and recommendations of the Floodplain  
5 Administrator and the Building Official. The Board of Adjustment has the right to attach  
6 such conditions as it deems necessary to further the purposes and objectives of the  
7 floodplain regulations.
- 8 B. Restrictions in floodways. A variance shall not be issued for any proposed development  
9 in a floodway if any increase in base flood elevations would result, as evidenced by the  
10 applicable analyses and certifications required in Section 14.09.01(B)(3)d.
- 11 C. Historic buildings. The Board of Adjustment is authorized to grant a variance for the  
12 repair, improvement, or rehabilitation of a historic building that is determined eligible  
13 for the exception to the flood resistant construction requirements of the *Florida Building*  
14 *Code, Existing Building*, Chapter ~~41~~12 Historic Buildings, upon a determination that the  
15 proposed repair, improvement, or rehabilitation will not preclude the building's  
16 continued designation as a historic building and the variance is the minimum necessary  
17 to preserve the historic character and design of the building. If the proposed work  
18 precludes the building's continued designation as a historic building, a variance shall not  
19 be granted and the building and any repair, improvement, and rehabilitation shall be  
20 subject to the requirements of the Florida Building Code.
- 21 D. Functionally dependent uses. The Board of Adjustment is authorized to grant a variance  
22 for the construction or substantial improvement necessary for the conduct of a  
23 functionally dependent use, as defined, provided the variance meets the requirements of  
24 Section 14.15.03, Lake County Code, is the minimum necessary considering the flood  
25 hazard and all due consideration has been given to use of methods and materials that  
26 minimize flood damage during occurrence of the base flood.
- 27 E. Considerations for issuance of variances. In reviewing requests for variances, the Board  
28 of Adjustment shall consider all technical evaluations, all relevant factors, all other  
29 applicable provisions of the Florida Building Code, the floodplain regulations, and the  
30 following:
- 31 1. The danger that materials and debris may be swept onto other lands resulting in  
32 further injury or damage;
  - 33 2. The danger to life and property due to flooding or erosion damage;
  - 34 3. The susceptibility of the proposed development, including contents, to flood  
35 damage and the effect of such damage on current and future owners;
  - 36 4. The importance of the services provided by the proposed development to the  
37 community;
  - 38 5. The availability of alternate locations for the proposed development that are subject  
39 to lower risk of flooding or erosion;
  - 40 6. The compatibility of the proposed development with existing and anticipated  
41 development;

- 1           7. The relationship of the proposed development to the comprehensive plan and  
2 floodplain management program for the area;
- 3           8. The safety of access to the property in times of flooding for ordinary and emergency  
4 vehicles;
- 5           9. The expected heights, velocity, duration, rate of rise and debris and sediment  
6 transport of the floodwaters and the effects of wave action, if applicable, expected  
7 at the site; and
- 8           10. The costs of providing governmental services during and after flood conditions  
9 including maintenance and repair of public utilities and facilities such as sewer, gas,  
10 electrical and water systems, streets and bridges.

11       F. Conditions for issuance of variances. Variances shall be issued only upon:

- 12           1. Submission by the applicant, of a showing of good and sufficient cause that the  
13 unique characteristics of the size, configuration, or topography of the site limit  
14 compliance with any provision of the floodplain regulations or the required  
15 elevation standards;
- 16           2. Determination by the Board of Adjustment that:
  - 17               (a) Failure to grant the variance would result in exceptional hardship due to the  
18 physical characteristics of the land that render the lot undevelopable; increased  
19 costs to satisfy the requirements or inconvenience do not constitute hardship;
  - 20               (b) The granting of a variance will not result in increased flood heights, additional  
21 threats to public safety, extraordinary public expense, nor create nuisances, cause  
22 fraud on or victimization of the public or conflict with existing local laws and  
23 ordinances; and
  - 24               (c) The variance is the minimum necessary, considering the flood hazard, to afford  
25 relief;
- 26           3. Receipt of a signed statement by the applicant that the variance, if granted, shall be  
27 recorded in the Office of the Clerk of the Court in such a manner that it appears in  
28 the chain of title of the affected parcel of land; and
- 29           4. If the request is for a variance to allow construction of the lowest floor of a new  
30 building, or substantial improvement of a building, below the required elevation, a  
31 copy in the record of a written notice from the Floodplain Administrator to the  
32 applicant for the variance, specifying the difference between the base flood  
33 elevation and the proposed elevation of the lowest floor, stating that the cost of  
34 federal flood insurance will be commensurate with the increased risk resulting from  
35 the reduced floor elevation (up to amounts as high as twenty-five dollars (\$25.00)  
36 for one hundred dollars (\$100.00) of insurance coverage), and stating that  
37 construction below the base flood elevation increases risks to life and property.

38       G. Approved variance transmitted to Federal Emergency Management Agency (FEMA). If  
39 a variance to the floodplain regulations or the Flood Resistant Construction  
40 Requirements of the Florida Building Code is approved, the application, minutes and  
41 recorded development order must be transmitted to FEMA within thirty (30) days of the  
42 meeting.





1 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,  
2 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any  
3 other person, property or circumstances.

4  
5 **Section 6. Inclusion in the Code.** It is the intent of the Board of County  
6 Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake  
7 County Code and that the sections of this Ordinance may be renumbered or relettered and the word  
8 "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in  
9 order to accomplish such intentions.

10  
11 **Section 7. Filing with the Department of State.** The Clerk shall be and is hereby  
12 directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the  
13 State of Florida in accordance with Section 125.66, Florida Statutes.

14  
15 **Section 8. Effective Date.** This Ordinance shall become effective as provided for by  
16 law.

17  
18 Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

19  
20 Filed with the Secretary of State \_\_\_\_\_, 2023.

21  
22  
23  
24  
25 BOARD OF COUNTY COMMISSIONERS  
26 OF LAKE COUNTY, FLORIDA

26 ATTEST:

27  
28  
29 \_\_\_\_\_  
30 Gary J. Cooney, Clerk of the  
31 Board of County Commissioners  
32 of Lake County, Florida

30 \_\_\_\_\_  
31 Kirby Smith, Chairman

32  
33 This \_\_\_\_\_ day of \_\_\_\_\_, 2023

34  
35  
36  
37 Approved as to form and legality:

38  
39  
40 \_\_\_\_\_  
41 Melanie Marsh, County Attorney