

ORDINANCE NO. 5615

PROPOSED ORDINANCE NO. 16-061

AN ORDINANCE OF THE CITY OF LAKELAND, FLORIDA RELATED TO FLOODPLAIN MANAGEMENT; AMENDING THE FLORIDA BUILDING CODE BY MAKING LOCAL TECHNICAL AMENDMENTS; AMENDING FLOOR ELEVATION REQUIREMENTS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Lakeland participates in the National Flood Insurance Program, adopted floodplain management regulations on December 19, 2016; and

WHEREAS, section 553.73(5), Florida Statutes, allows adoption of local technical amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

WHEREAS, the City Commission adopted a requirement to increase the minimum elevation requirement and to require buildings that sustain repetitive flood damage over a 10-year period to be included in the definition of "substantial damage," for buildings and structures in flood hazard areas prior to July 1, 2010

and, pursuant to section 553.73(5), Florida Statutes, is formatting that requirement to coordinate with the Florida Building Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
THE CITY OF LAKELAND, FLORIDA:**

SECTION 1. The above recitals are true and correct and by this reference are incorporated herein and made an integral part hereof.

SECTION 2. The *Florida Building Code, Residential* is hereby amended to add the following local technical amendments:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 2 feet (610 mm) or the design flood elevation, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 2 feet (610 mm) ~~4 feet (305 mm)~~, or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 2 feet (610 mm), or at least 4 feet (1,220 mm) ~~2 feet (610 mm)~~ if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 2 feet (610 mm) or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

R322.2.2 Enclosed areas below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells,

ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawlpace) foundations.

SECTION 3. The *Florida Building Code, Building* is hereby amended to add the following local technical amendments:

1612.4.1 Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 2 feet (610 mm), whichever is higher.

1612.4.2 Additional requirements for enclosed areas. In addition to the requirements of ASCE 24, enclosed areas below the design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators.

Modify a definition as follows:

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

SECTION 4. The *Florida Building Code, Existing Building* is hereby amended to add the following local technical amendments:

Modify a definition as follows:

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

equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SECTION 5. FISCAL IMPACT STATEMENT.

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 6. For the purposes of jurisdictional applicability, this ordinance shall apply to all applications for building permits in flood hazard areas submitted on or after the effective date.

SECTION 7. It is the intent of the Lakeland City Commission that the provisions of this ordinance shall become and be made a part of the City of Lakeland's Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 8. Should any section, paragraph, sentence, clause or phrase of this Ordinance conflict with any section, paragraph, sentence, clause or phrase of any prior City of Lakeland Ordinance, Resolution, or Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 9. If any one or more of the covenants, agreement or provisions of this Ordinance should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions of this Ordinance.

SECTION 10. This ordinance shall take effect immediately upon its passage in the manner provided by law.

PASSED AND CERTIFIED AS TO PASSAGE this 19th day of December, 2016.


R. HOWARD WIGGS, MAYOR

ATTEST: 
KELLY S. KOOS, CITY CLERK

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

