

**ORDINANCE NO. 6056**

**PROPOSED ORDINANCE NO. 24-040**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO ZONING; PROVIDING FOR TEXT AMENDMENT LDC24-008 TO ARTICLE 6 (NATURAL RESOURCE PROTECTION STANDARDS), SECTION 6.1 (GENERAL) AND SECTION 6.3 (GREEN SWAMP AREA OF CRITICAL STATE CONCERN) OF THE LAND DEVELOPMENT CODE TO ADOPT CHANGES MANDATED BY THE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT (FDEM) AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP); MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the Planning and Zoning Board held a public hearing on July 16, 2024, to consider Text Amendment LDC24-008 to Article 6 (Natural Resource Protection Standards), Section 6.1 (General) and Section 6.3 (Green Swamp Area of Critical State Concern) of the Land Development Code to adopt changes mandated by the Florida Department of Emergency Management (FDEM) and the Federal Emergency Management Agency (FEMA) pertaining to the National Flood Insurance Program (NFIP); and

**WHEREAS**, the Planning and Zoning Board, at the conclusion of its regular meeting on August 20, 2024, approved and recommended to the City

Commission that Text Amendment LDC24-008 to the Land Development Code be adopted; and

**WHEREAS**, the City Commission, after conducting a duly-advertised public hearing at which all interested persons were afforded the opportunity to be heard, finds that it is in furtherance of the public health, safety and welfare of the citizens of the City of Lakeland to adopt Text Amendment LDC24-008 as described above;

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

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

**SECTION 2.** Text Amendment LDC24-008 to the Land Development Code, as set forth in Attachment "A," attached hereto and made a part hereof, is hereby adopted and made a part of the City's Land Development Code.


**SECTION 3.** The City Commission does hereby expressly find that the provisions of this Ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5885, and that all procedures for the enactment of this Ordinance have been complied with.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.


**SECTION 5.** If any word, sentence, clause, phrase or provision of this Ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

**SECTION 6.** This Ordinance shall take effect immediately upon its passage.

**PASSED AND CERTIFIED AS TO PASSAGE** this 16th day of September, A.D. 2024.

  
\_\_\_\_\_  
H. WILLIAM MUTZ, MAYOR

ATTEST:   
*for* KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:   
\_\_\_\_\_  
PALMER C. DAVIS  
CITY ATTORNEY



## ATTACHMENT "A"

ARTICLE 6: NATURAL RESOURCE PROTECTION STANDARDS**6.1 GENERAL**

## 6.1.1 INTENT

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

## 6.1.2 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

**Contaminant:** An undesirable substance not naturally present or an unusually high concentration of a naturally occurring substance in water, soil, or other environmental medium in addition to regulated substances listed in Table 6.7-1.

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

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

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

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

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

**Discharge:** The release of stormwater by any means into the environment excluding transpiration, evaporation, or natural percolation into the groundwater.

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

**Existing Building and Existing Structure:** Any buildings and structures for which the "start of construction" commenced before September 16, 1981. [Also defined in FBC, B, Section 202.]

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

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

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

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

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

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

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

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

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

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

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

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

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

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

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

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

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

**Lake Bottom Construction:** The construction, alteration or repair of any shoreline stabilization structure or water access structure.

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

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

- (1) Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (2) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (3) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (4) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

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

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

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

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

**Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

or tax assessment value adjusted to approximate market value by a factor provided by the county Property Appraiser.

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

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

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

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

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

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

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

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

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

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

**Regulated Substance:** Any substance listed in Table 6.7-1 that meets or exceeds specified thresholds.

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

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



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

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

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

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

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

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

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

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

**Undisturbed Land:** A parcel, lot, or plot of land which has been absent of land use activities for a period exceeding 20 years.

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

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

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

(Ord. No. 5560, 01-19-16; Ord. No. 5610, 12-20-16)

### 6.1.3 RULES OF INTERPRETATION

For the purpose of the administration and enforcement of these regulations, unless specifically stated otherwise within this text, the following standard rules of interpretation shall apply to the text hereof.

#### 6.1.3.1 Calculating Time Periods

In calculating any period of time prescribed for or allowed by this regulation, the day of the act, event or default from which the designated period of time begins to run, shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. Where "working days" are specified for a computation, intermediate Saturdays, Sundays and legal holidays, shall be excluded in the computation.

#### 6.1.3.2 Conflict with Standing Regulations

Where this regulation conflicts with or overlaps other standing regulations, whichever imposes the more stringent restrictions or limitations, shall prevail.

#### 6.1.3.3 Interpretation by City Officials

Notwithstanding specified rules of language or definitions, city permitting agents and city regulatory inspectors shall interpret all conditions, provisions, and standards herein, in a reasonable manner to achieve the goals and purposes intended by this regulation.

## 6.2 FLOODPLAIN MANAGEMENT

### 6.2.1 INTENT

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

- a. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- b. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- c. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- d. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- e. Minimize damage to public and private facilities and utilities;
- f. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

- g. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- h. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

(Ord. No. 5610, 12-20-16)

#### 6.2.2 APPLICABILITY

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

(Ord. No. 5610, 12-20-16)

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

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

(Ord. No. 5610, 12-20-16)

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

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

(Ord. No. 5610, 12-20-16)

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

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

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

(Ord. No. 5610, 12-20-16)

#### 6.2.3 Disclaimer of Liability

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

(Ord. No. 5610, 12-20-16)

### 6.2.3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

#### 6.2.3.1 Floodplain Administrator

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

(Ord. No. 5610, 12-20-16)

#### 6.2.3.2 General

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

(Ord. No. 5610, 12-20-16)

#### 6.2.3.3 Applications and Permits

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

- a. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- b. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
- c. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- d. Provide available flood elevation and flood hazard information;
- e. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- f. Review applications to determine whether proposed development will be reasonably safe from flooding;

- g. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and
- h. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.

(Ord. No. 5610, 12-20-16)

#### 6.2.3.4 Substantial Improvement and Substantial Damage Determinations

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

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

(Ord. No. 5610, 12-20-16)

#### 6.2.3.6 Notices and Orders

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

(Ord. No. 5610, 12-20-16)

#### 6.2.3.7 Inspections

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

(Ord. No. 5610, 12-20-16)

#### 6.2.3.8 Other Duties of the Floodplain Administrator

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

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

(Ord. No. 5610, 12-20-16)

#### 6.2.3.9 Floodplain Management Records

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

(Ord. No. 5610, 12-20-16)

### 6.2.4 PERMITS

#### 6.2.4.1 Permits Required

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

(Ord. No. 5610, 12-20-16)

#### 6.2.4.2 Floodplain Development Permits or Approvals

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

(Ord. No. 5610, 12-20-16)

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

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

- a. Railroads and ancillary facilities associated with the railroad.
- b. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- c. Temporary buildings or sheds used exclusively for construction purposes.
- d. Mobile or modular structures used as temporary offices.
- e. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- h. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- i. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

(Ord. No. 5610, 12-20-16)

#### 6.2.4.4 Application for a Permit or Approval

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

- a. Identify and describe the development to be covered by the permit or approval.
- b. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- c. Indicate the use and occupancy for which the proposed development is intended.
- d. Be accompanied by a site plan or construction documents as specified in Subsection 6.2.5.

- e. State the valuation of the proposed work.
- f. Be signed by the applicant or the applicant's authorized agent.
- g. Give such other data and information as required by the Floodplain Administrator.

(Ord. No. 5610, 12-20-16)

#### 6.2.4.5 Validity of Permit or Approval

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

(Ord. No. 5610, 12-20-16)

#### 6.2.4.6 Expiration

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

(Ord. No. 5610, 12-20-16)

#### 6.2.4.7 Suspension or Revocation

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

(Ord. No. 5610, 12-20-16)

#### 6.2.4.8 Other Permits Required

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

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

(Ord. No. 5610, 12-20-16)

### 6.2.5 SITE PLANS AND CONSTRUCTION DOCUMENTS

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



The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and shall include, as applicable to the proposed development:

- a. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- b. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Subsections 6.2.5.2.b. or 6.2.5.2.c.
- c. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Subsection 6.2.5.2.a.
- d. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- e. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- f. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- g. Existing and proposed alignment of any proposed alteration of a watercourse.

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

(Ord. No. 5610, 12-20-16)

#### 6.2.5.2 Information in Flood Hazard Areas Without Base Flood Elevations (Approximate Zone A)

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

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

evidence indicating flood depths have been or may be greater than two (2) feet.

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

(Ord. No. 5610, 12-20-16)

#### 6.2.5.3 Additional Analyses and Certifications

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

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

(Ord. No. 5610, 12-20-16)

#### 6.2.5.4 Submission of Additional Data

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

(Ord. No. 5610, 12-20-16)

6.2.6 RESERVED

6.2.7 VARIANCES AND APPEALS

#### 6.2.7.1 General

In accordance with the procedures, powers and duties specified in Section 12.7, the Zoning Board of Adjustment and Appeals is hereby authorized to hear and decide on requests for appeals and requests for variances from the strict application of this section. The Zoning Board of Adjustment and Appeals has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article and the applicable provisions of the Florida Building Code. In reviewing requests for variances, the Zoning Board of Adjustment and Appeals shall consider all relevant factors, including the comments and recommendations of the floodplain administrator, all applicable provisions of the Florida Building Code, this Code, and the following:

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

(Ord. No. 5610, 12-20-16)

#### 6.2.7.2 Conditions for Issuance of Variances

Variances shall be issued only upon determination that:

- a. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- b. For proposed development in a floodway, no increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Subsection 6.2.5.3.
- c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
- d. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, that a written notice from the Floodplain Administrator will be sent to the applicant

for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 5610, 12-20-16; Ord. No. 5695, 2-19-18)

#### 6.2.8 RESERVED

#### 6.2.9 BUILDINGS AND STRUCTURES

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

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

(Ord. No. 5610, 12-20-16)

##### 6.2.9.2 (Amendments to the Florida Building Code.

a. Definition for the term "Substantial Damage" shall be as provided in Subsection 6.1.2.

b. The minimum elevation for buildings within the scope of the Florida Building Code, Building, shall be as specified in ASCE 24 or the base flood elevation plus two (2) feet, whichever is higher.

c. The minimum elevation for one- and two-family dwellings and townhouses within the scope of the Florida Building Code, Residential, shall be the base flood elevation plus two (2) feet, or at least four (4) feet if a depth number is not specified.

d. The interior portions of enclosures below elevated buildings 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 (crawl space) foundations.

#### 6.2.10 SUBDIVISIONS

##### 6.2.10.1 Minimum Requirements

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

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

(Ord. No. 5610, 12-20-16)

### 6.2.10.2 Subdivision Plats

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- b. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Subsection 6.2.5.2.a.; and
- c. Compliance with the site improvement and utilities requirements of Section 6.2.11.

(Ord. No. 5610, 12-20-16)

## 6.2.11 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

### 6.2.11.1 Minimum Requirements

All proposed new development shall be reviewed to determine that:

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

(Ord. No. 5610, 12-20-16)

### 6.2.11.2 Sanitary Sewage Facilities

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

(Ord. No. 5610, 12-20-16)

### 6.2.11.3 Water Supply Facilities

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

(Ord. No. 5610, 12-20-16)

### 6.2.11.4 Limitations on Sites in Regulatory Floodways

Fill for structural support of buildings and structures is prohibited in the regulatory floodway. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Subsection 6.2.5.3.a. demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(Ord. No. 5610, 12-20-16)

#### 6.2.11.5 Limitations on Placement of Fill

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

(Ord. No. 5610, 12-20-16)

### 6.2.12 MANUFACTURED HOMES

#### 6.2.12.1 General

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

(Ord. No. 5610, 12-20-16)

#### 6.2.12.1.1 Limitations on Installation in Floodways

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

(Ord. No. 5610, 12-20-16)

#### 6.2.12.2 Foundations

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

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

(Ord. No. 5610, 12-20-16)

#### 6.2.12.3 Anchoring

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

(Ord. No. 5610, 12-20-16)

#### 6.2.12.4 Elevation

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A). Manufactured homes that

are placed, replaced, or substantially improved shall comply with Subsections 6.2.12.5 or 6.2.12.6, as applicable.

(Ord. No. 5610, 12-20-16)

#### 6.2.12.5—General Elevation Requirement

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

(Ord. No. 5610, 12-20-16)

#### 6.2.12.6—Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions

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

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

(Ord. No. 5610, 12-20-16)

#### 6.2.12.5 ~~6.2.12.7~~ Enclosures

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

#### 6.2.12.6 ~~6.2.12.8~~ Utility Equipment

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

(Ord. No. 5610, 12-20-16)

### 6.2.13 RECREATIONAL VEHICLES AND PARK TRAILERS

#### 6.2.13.1 Temporary Placement

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

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

(Ord. No. 5610, 12-20-16)

#### 6.2.13.2 Permanent Placement

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

(Ord. No. 5610, 12-20-16)

#### 6.2.14 TANKS

##### 6.2.14.1 Underground Tanks

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

(Ord. No. 5610, 12-20-16)

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

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

(Ord. No. 5610, 12-20-16)

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

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

##### 6.2.14.4 Tank Inlets and Vents

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

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

(Ord. No. 5610, 12-20-16)

#### 6.2.15 OTHER DEVELOPMENT

##### 6.2.15.1 General Requirements for Other Development

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

- a. Be located and constructed to minimize flood damage;
- b. Meet the limitations of Subsection 6.2.11.4 if located in a regulated floodway;
- c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- d. Be constructed of flood damage-resistant materials; and



- e. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

#### 6.2.15.2 Fences in Regulated Floodways

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

(Ord. No. 5610, 12-20-16)

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

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

#### 6.2.15.4 Roads and Watercourse Crossings in Regulated Floodways

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Subsection 6.2.11.4. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Subsection 6.2.5.3.c.

#### 6.2.15.5 Hazardous Materials

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

(Ord. No. 5610, 12-20-16)

### 6.3 GREEN SWAMP AREA OF CRITICAL STATE CONCERN

#### 6.3.1 INTENT AND APPLICABILITY

##### a. Intent

The Green Swamp Area of Critical State Concern (ACSC) as defined under Ch. 380, Sec. 5, Florida Statutes, has been identified as a geographical area with special environmental significance and is protected by guiding principles which outline key issues of state concern. This section is established to address minimum standards for development and redevelopment within the ACSC in the City of Lakeland.

##### b. Applicability

Applies to all public and private land located within the geographic boundaries of the Green Swamp ACSC within the City of Lakeland.

#### 6.3.2 DENSITY AND INTENSITY OF USE

##### 6.3.2.1 Future Land Use Designations

The following Future Land Use designations may be permitted in the Green Swamp ACSC, as defined in the Future Land Use Element of the Comprehensive Plan.

- a. Agricultural Residential Low (ARL)
- b. Residential Very Low (RVL)
- c. Public Institutional (PI)
- d. Business Park (BP)
- e. Convenience Center (CC)

- f. Recreation (R)
- g. Conservation (C)
- h. Preservation (P)

(Ord. No. 5522, 07-20-15)

### 6.3.2.2 Density and Infrastructure Requirements

**Table 6.3-1: Green Swamp Density and Infrastructure Requirements**

<b>FUTURE LAND USE DESIGNATION</b>	<b>Maximum Gross Density</b>	<b>Central Wastewater Required?</b>	<b>Paved Roads Required?</b>	<b>Central Water Required?</b>	<b>Transit District Petition Required?</b>
ARL Agricultural Residential Low	1:10 du/ac <sup>1</sup> &/or Agriculture	NO	YES, external only	NO	NO
RVL Residential Very Low	1:3 du/ac &/or Agriculture	YES	YES	YES	If subdivision 10 ac. +
PI Public Institutional	N.A.	YES	YES	YES	If near SR 33 or I-4
BP Business Park	N.A.	YES	YES	YES	YES
CC Convenience Center	NONE	YES	YES	YES	If near SR 33 or I-4
R Recreation	NONE	YES	YES	YES	If near SR 33 or I-4
C Conservation	1:10 du/ac uplands only; requires conditional use approval	YES	YES	YES	If near SR 33 or I-4
P Preservation	NONE	N.A.	N.A.	N.A.	N.A.

<sup>1</sup> Allows 40,000 sq. ft. lots if clustering on uplands, but gross density must remain same.

(Ord. No. 5522, 07-20-15)

### 6.3.2.3 Permitted Zoning Districts

**Table 6.3-2: Green Swamp Permitted Zoning Districts**

<b>Zoning Districts</b>	<b>Possible Future Land Use Designations</b>						
	<b>ARL</b>	<b>RVL</b>	<b>PI</b>	<b>BP</b>	<b>CC</b>	<b>C</b>	<b>P</b>
LD	X	X	X	X	X	X <sup>1</sup>	X
RA-1		X					
MF-12							
MF-16							
O-1			X	X	X		
O-2			X	X	X		

O-3				X			
C-1				X	X		
C-3					X		
I-1							
I-2				X			
PUD <sup>2</sup>	X	X	X	X	X	X	X
<sup>1</sup> Only allowed with conditional use approval. <sup>2</sup> Any proposed changes to an approved; binding PUD development plan will require modification to the PUD.							

(Ord. No. 5522, 07-20-15)

#### 6.3.2.4 Prohibited Uses

In addition to those uses that are prohibited by the respective zoning district classification of the property; the following uses shall also be prohibited in the Green Swamp ACSC:

- a. Chemical research operations
- b. Dry cleaning plants
- c. Electric power generation facilities of any type
- d. Golf Courses
- e. Hazardous substances or materials; no substances or materials shall be stored or used except as they would, in such quantity, be permissible for domestic or household purposes
- f. Industrial activities as defined in the Federal EPA's National Pollution Discharge Elimination System (NPDES) for Stormwater Associated with Industrial Activity (Ch. 40, CFR, Part 122), with the exception of general construction activities
- g. Mining
- h. Package wastewater treatment facilities; wastewater treatment residuals and the spreading of sludge from septic tanks
- i. Petroleum pipelines
- j. Petroleum related industries and fuel dealers (not including gas stations)
- k. New schools, private or public
- l. Wholesale chemical operations
- m. Noxious forms of agriculture (specifically, agricultural activity such as crop production, silviculture, cattle grazing/pasture uses and aquaculture uses ARE allowed, but feed lots, poultry farms and similar "noxious" uses shall be prohibited)

#### 6.3.2.5 Use of Conservation Lands

Conservation land uses on privately owned lands may allow passive recreation uses and up to one unit per 10 acres if clustered on upland areas and outside of wetland and 100-year floodplain areas. Level one Utility and Essential Service Facilities as defined in Article 2, and as permitted by the city and applicable federal, state and/or regional agencies, are permitted in Conservation land uses. Any changes to Utility and Essential Service Facilities shall be subject to state review for impacts to the ACSC.

(Ord. No. 5522, 07-20-15)

### 6.3.3 DEVELOPMENT REGULATIONS

### 6.3.3.1 Minimum Lot Size Requirements

Minimum lot size requirements shall be in accordance with the underlying zoning district, except for the following:

LD zoning district, when

Water and wastewater are available: 5 acres

Water and wastewater are unavailable: 10 acres

RA-1 zoning district: 14, 520 sq. ft.<sup>1</sup>

40,000 sq. ft.<sup>2</sup>

- <sup>1</sup> Only permitted with an RVL Future Land Use designation. Central water and wastewater, as well as paved external and internal access roads are required.
- <sup>2</sup> Only permitted with an ARL Future Land Use designation. Development must be clustered to meet the open space, wetland and/or floodplain protection requirements. The gross density for the overall development must not exceed the requirements for the applicable Future Land Use designation.

### 6.3.3.2 Setbacks

The setbacks for principal and accessory structures shall be in accordance with the underlying zoning district classification.

### 6.3.3.3 Open Space, Lot Coverage and Impervious Surface Ratios

- a. The minimum open space, maximum lot coverage and impervious surface ratio requirements shall be in accordance with the underlying zoning district classification, except for the following:

**Table 6.3-3: Green Swamp Residential Developments**

Standard	Zoning District		
	RA-1	LD	MF-12/MF-16
Minimum Open Space <sup>1</sup>	Within ARL - 80% Within RVL - 30%	80%	MF-12 - 0.73 MF-16 - 0.70
Maximum Impervious Surface Ratio <sup>2</sup>	50%	50%	60%

<sup>1</sup> Open space is defined as any area of land or water set aside, designated or reserved for public or private enjoyment or use. (NOTE: We have typically treated this as everything except buildings and parking areas, whether paved or unpaved.)

<sup>2</sup> Impervious surface ratio as defined by the Southwest Florida Water Management District (SWFWMD).

**Table 6.3-4: Green Swamp Non-Residential Developments**

Standard	Zoning District		
	All Commercial	All Office	All Industrial
Maximum Lot Coverage	35%	35%	50%
Maximum Impervious Surface Ratio	Within BP - 70% All Others - 60%	Within BP - 70% All Others - 60%	70%
Impervious surface ratio, as defined by SWFWMD.			

- b. Site plans and subdivision plats shall identify portion of land reserved for open space and shall state "No clearing and no structures of any kind are allowed in the open space area." Stormwater retention, as allowed by regulatory and permitting agencies, would be permitted in open space areas.
- c. At least 10 percent of the above open space requirements for all types of land uses shall be on the uplands portion of the property in order to preserve some portion of original aquifer recharge rates.
- d. No variances or waivers shall be granted for open space provisions in the Green Swamp ACSC within the City of Lakeland.

#### 6.3.4 LANDSCAPING

In addition to the landscape requirements established in Article 4, all development and redevelopment in the Green Swamp ACSC shall employ Xeriscaping techniques to reduce water consumption.

Xeriscaping, as a method of landscaping that conserves water by clustering plants according to similar sunlight and water needs. Where possible, irrigation systems should use stormwater runoff to irrigate landscaped areas and should preserve existing on-site vegetation.

#### 6.3.5 WATER AND WASTEWATER UTILITY REQUIREMENTS

- a. Connection to city wastewater service shall be required where it is available, as defined by Statute. Necessary septic system permits shall be obtained and submitted prior to issuance of a building permit.
- b. New septic systems shall not be permitted for non-residential uses.
- c. The city shall enforce the cases referred to it by the Polk County Health Department for violations of the Health Department's special septic system inspection program in the Green Swamp ACSC. That inspection program provides for notices to be mailed every five years to those who have a septic system indicating it must be cleaned and maintained. Failure to meet the inspection program requirements will result in referral to the local code enforcement board for further action and as referred to in City Resolution 4465.
- d. Wastewater treatment package plants, if allowed, shall have a minimum treatment capacity of at least 100,000 gallons per day.

#### 6.3.6 ROAD REQUIREMENTS

- a. Parking, loading and internal circulation of developments within the Green Swamp ACSC shall be of pervious materials wherever feasible.
- b. Paved external and internal access roads are required for all development.
- c. In Conservation (C) future land use areas within the Green Swamp ACSC, a single primary access road shall be allowed to access upland areas where upland options are not feasible and where not in conflict with city policies and standards including those for natural resource protection, and as approved by the Public Works Department. Identified wetlands shall not be impacted unless such results in a taking of private property. Any impacts to the 100-year floodplain for such an access road shall be made only as a last resort, shall be minimized and compensated to avoid a taking of property and must include all mitigation measures as required by applicable local, regional and state agencies.

#### 6.3.7 TRANSIT DISTRICT REQUIREMENTS

Submission of a voluntary petition for inclusion into the Lakeland Area Mass Transit District (LAMTD) shall be required for the following developments within the Green Swamp ACSC, prior to issuance of site plan approval, subdivision plat approval or building permit:

- a. All development along Interstate 4 or SR 33
- b. Any development or redevelopment in a non-residential or multi-family residential zoning district
- c. Any residential subdivision of 10 acres or more

### 6.3.8 WETLANDS AND FLOODPLAIN AREAS

#### 6.3.8.1 Development Criteria

- a. No new lots shall be created which are entirely within a wetland or FEMA designated 100-year floodplain area.
- b. No development shall be permitted within an identified wetland or within the 100-year floodplain area except where allowed by the applicable federal, state or regional permitting agencies and as specified below. Development shall cluster in non-wetland and non-floodplain areas. All structures (other than pile supported docks) shall be set back a minimum of 50 feet from the most landward extent of a jurisdictional wetland.
- c. No disturbance of wetlands within the Green Swamp ACSC is allowed unless authorized or exempted from the regulation by the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, and the applicable water management district. Evidence of the appropriate permit or exemption shall be required prior to the commencement of development.
- d. Where impacts to wetlands cannot be avoided, all permits for an agency with jurisdiction shall be approved prior to the city issuing a final development order. An "intent to issue a final development order" may be issued in writing prior to the issuance of said order if pre-approval is required by an agency with jurisdiction. Consideration of wetland impacts shall include, but not necessarily be limited to, the following circumstances where no reasonable alternative exists:
  - 1. To provide access to the site;
  - 2. To provide necessary internal traffic circulation;
  - 3. To provide necessary utility lines;
  - 4. To provide necessary pre-treated stormwater management;
  - 5. For purposes of public safety;
  - 6. To avoid precluding all beneficial use of the property.
- e. All wetland and 100-year floodplain areas must be identified as environmental set-aside areas on all final site plans or subdivision plats.
- f. Septic systems shall be set back a minimum of 75 feet from designated wetlands and 100 feet from the high water line of water bodies and outside the 100-year floodplain.
- g. ~~A detailed flood insurance study shall be performed for all Where base flood elevations are not included on the FIRM and subdivision proposals and other proposed development have more than 50 lots or have with five acres or more of the 100-year floodplain, base flood elevations shall be determined in accordance with Subsection 6.2.5.2.a. The study shall be performed in accordance with the Flood Insurance Study Guidelines and Specifications for Flood Contractors (FEMA Publication 37).~~
- h. Subsequent development phases are not exempt from this section if the overall development meets the five acre criterion. If existing subdivisions are proposed for re-platting, the re-platted portion shall be required to comply with this requirement if the re-platted portion meets the five acre criterion.

- i. Subdivisions which contain 10 lots or less shall be exempt from these requirements.
- j. The construction of a single-family residence on a parcel of land containing five or more acres within the 100-year floodplain which is not part of a subdivision or which is part of a subdivision in existence prior to December 1, 1992, is exempt from this requirement.
- k. Wetlands shall be maintained in their natural and unaltered state. However, controlled burns, selective thinning, and ecosystem restoration and maintenance are permissible activities within the wetlands, provided they are performed in accordance with current Silviculture Best Management Practices published by the Division of Forestry. Any isolated wetlands of less than one acre shall be exempt from these requirements.

#### 6.3.8.2 Density Transfers

- a. Development within wetland or 100-year floodplain areas may be allowed to transfer density of up to one dwelling unit per 20 acres to contiguous uplands (non-wetland and non-floodplain) areas on property under the same ownership or control.
- b. Gross density requirements still apply and open space and impervious surface limits shall be maintained.
- c. Lot sizes shall be as governed by the assigned city context classification.
- d. Transfers of density shall be noted on the face of the final plat as a restrictive covenant.

#### 6.3.9 STORMWATER MANAGEMENT FACILITIES

- a. Stormwater management shall be executed in a manner consistent with the level of service policies in the Infrastructure Element of the Comprehensive Plan. Specifically, all development is required to manage runoff from the 25-year frequency, 24-hour duration design storm event on-site so that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions.
- b. Stormwater management facilities shall not cause a reduction in the flood storage capacity of the 100-year floodplain.
- c. Stormwater management facilities shall be designed to accommodate access for maintenance equipment, and shall facilitate regular operational maintenance including under-drain replacement, unclogging filters, sediment removal, mowing and vegetation control.
- d. Prior to final plat or site plan approval, the developer shall ensure that a designated responsible entity, approved by the city for the maintenance of the stormwater management system has been established and is listed on the plat or final site plan.
- e. Monitoring and operational requirements for stormwater management facilities shall include the following:
  - 1. Periodic inspections of the system with a written inspection report to the appropriate water management district and a copy sent to Public Works Engineering to ensure that the system is functioning as designed and permitted.
  - 2. Inspection reports will be submitted one year after construction and every year thereafter to the relevant water management district.

3. A registered professional engineer must sign and seal the report certifying the stormwater management system is operational as designed and maintained adequately for that design.
4. Pollution abatement requirements shall be the first one inch (or 2.5 inches times the impervious area) of runoff for the developed site, or as per the regulations of SWFWMD, with this volume being recovered within 72 hours.
5. Projects or portions of projects in Most Effective Recharge Areas must retain three inches of runoff from directly connected impervious areas within the project. Applicants may instead demonstrate that the post-development recharge will be equal to or greater than the pre-development recharge. Most Effective Recharge Areas are those areas with soils classified by the Soil Conservation Service as Type "A" Hydrologic Soil Group. Directly connected impervious areas are those impervious areas which are connected to the surface water management system by a drainage improvement such as a ditch, storm sewer, paved channel, or other man-made conveyance. Stormwater that is retained must be infiltrated into the soil or evaporated such that the storage volume is recovered within 14 days following a storm event.

#### 6.3.10 LISTED SPECIES SURVEYS

- a. To protect fauna and flora species identified as being endangered, threatened, and/or species of special concern by the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish and Wildlife Conservation Commission, (FWC), the developer shall perform and pay for listed species survey for the following types of development:
  1. Any residential development consisting of 100 acres or more, or
  2. Any residential development of more than 10 lots, or
  3. Any non-residential development in excess of five acres.

If it is determined that listed species are located on the site, the developer shall prepare a habitat management plan using guidelines and protocols of the FWC and/or USFWS. It shall be the responsibility of the owner and/or developer to notify the city, the FWC and/or the USFWS of proposed development which will affect protected habitat and subsequently prepare and submit the above referenced habitat management plan. Prior to final plat or site plan approval, the city must receive a letter from FWC stating that the proposed Management Plan meets the standards placed on Management Plans by the FWC.

- b. Protected habitat, for the purpose of the Management Plan, shall be defined as habitat for endangered, threatened, and/or species of special concern, and in most cases, the specific boundaries of these areas may not be determined until site-specific field inspections are conducted to verify those boundaries. It shall be the responsibility of the owner and/or developer to submit documentation to all relevant review agencies including exhibits, studies, etc., for the purpose of establishing that properties should not be classified as protected habitat for such species.
- c. Those properties identified as containing protected habitat shall comply with the following requirements:
  1. Development shall be required to locate on the non-protected habitat portions of a development site. Transfer of residential densities shall be permitted from protected habitat areas to contiguous non-protected habitat areas within the same subdivision, subject to the following:



2. Residential densities shall be transferred from protected habitat areas to non-protected habitat areas at the underlying density and shall be clustered to the greatest extent possible to protect habitat.
3. Any transfer of density to facilitate clustering shall not result in lot sizes, or areas per dwelling unit less than that required by this Code (the minimum lot/area size shall be exclusive of the wetland area); for lots utilizing septic tanks, the area shall not be less than 40,000 square feet.
4. Portions of lots may be platted into habitat areas and shall not be construed as having disturbed the habitat area for a density-transfer provision so long as that portion of the lot does not include any fill, construction, improvements, or other development, and a restriction is placed upon the plat to prohibit such future actions within habitat areas.
5. All such transfers of density shall be to contiguous property under the same ownership or control and shall only be permitted within a subdivision platted and developed in accordance with this Code. Such transfers shall be noted on the face of the final plat as a restrictive covenant.
6. Commercial and industrial development shall locate on the non-protected habitat portion of a development site.

#### 6.3.11 PERMITTING REQUIREMENTS AND EFFECTIVE DATES

- a. In accordance with Chapter 9J-1, F.A.C., the Community Development Department shall render development orders to the State Land Planning Agency (LPA) for development approvals that shall include, but not be limited to:
  1. zoning
  2. rezoning
  3. conditional use
  4. variance
  5. plat approval
  6. major development review
  7. community impact assessment
  8. building permit
  9. fill permit
  10. excavation permit
  11. land clearing or landscaping permit
  12. any change or amendment to a previously issued development order
  13. any action that increases the impervious surface
  14. any other action having the effect of permitting development
- b. It shall be the responsibility of the developer to provide all necessary exhibits, applications, or documents to the City of Lakeland to be included in the development order for rendition to the LPA.
- c. City permits will include a reminder note that a development order in the Green Swamp Area of Critical State Concern shall not take effect or be acted upon by the developer until 45 calendar days after rendition to the LPA, unless a later date is specified in the order. If no comments are received from the LPA by the 45th day, the development order may be acted upon.

##### 6.3.11.1 Additional Review Requirements

- a. In the Green Swamp ACSC, Planning and Zoning Board review and approval shall be required for all site plans and subdivision plan/plat approvals.

- b. Prior to commencement of development, all state and federal permits must be obtained.
- c. All development approvals within the Green Swamp ACSC are subject to review and approval by the LPA, up to 45 days after such approvals have been officially rendered to the LPA by the City. The LPA has authority to appeal any development approvals in the ACSC.

#### 6.3.11.2 Application Narrative Requirement

All development, as defined in Section 380.04, FS, with the exception of a single-family dwelling unit and accessory uses, shall submit to the city a project narrative describing the proposed development. This narrative shall also address how their development supports the following State objectives in the Green Swamp Area of Critical State Concern:

- a. Minimize the adverse impacts of development on resources of the Floridan Aquifer, wetlands, and flood-detention areas.
- b. Protect or improve the normal quantity, quality and flow of ground water and surface water which are necessary for the protection of resources of state and regional concern.
- c. Protect or improve the water available for aquifer recharge.
- d. Protect or improve the functions of the Green Swamp Potentiometric High of the Floridan Aquifer.
- e. Protect or improve the normal supply of ground and surface water.
- f. Prevent further salt-water intrusion into the Floridan Aquifer.
- g. Protect or improve existing ground and surface water quality.
- h. Protect or improve the water retention capabilities of wetlands.
- i. Protect or improve the biological-filtering capabilities of wetlands.
- j. Protect or improve the natural flow regime of drainage basins.
- k. Protect or improve the design capacity of flood detention areas and the water management objectives of these areas through the maintenance of hydrologic characteristics of drainage basins.