

ORDINANCE NO. 2017-08

AN ORDINANCE BY THE CITY OF SOUTH DAYTONA AMENDING THE SECTION 7.2 OF THE CONSOLIDATED LAND DEVELOPMENT REGULATIONS TO MAKE MODIFICATIONS TO BRING THE REGULATIONS INTO AGREEMENT WITH THE MOST CURRENT FEMA-APPROVED, CODE-COMPANION FLOODPLAIN MANAGEMENT ORDINANCE FOR FLORIDA COMMUNITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the **City of South Daytona** participates in the National Flood Insurance Program and the **City of South Daytona** desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for **Volusia** County, Florida and Incorporated Areas, with an effective date of **September 29, 2017**; and

WHEREAS, the **City Council** determined that it is in the public interest to amend **Section 7.2 of the Consolidated Land Development Regulations**, to make modifications to bring the regulations into agreement with the most current Model Floodplain Management Ordinance approved by FEMA for Florida communities.

NOW, THEREFORE, BE IT ORDAINED by the **City Council** of the **City of South Daytona** that **Section 7.2 of the Consolidated Land Development Regulations** is amended as set forth in the following amendments, as shown in strikethrough and underline format in Section 2.

SECTION 1. RECITALS.

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

SECTION 2. AMENDMENTS.

Section 7.2 Floodplain management is hereby amended by the following amendments. (Additions are shown by the underlining method and deletions are shown by the ~~strike-through method~~):

B. Applicability.

1. *Generally.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
2. *Areas to which this section applies.* This section shall apply to all flood hazard areas within the City of South Daytona, as established in subsection B.3.

3. *Basis for establishing flood hazard areas.* The Flood Insurance Study for Volusia County and Incorporated Areas dated September 29, 2017, ~~February 19, 2014~~, 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 building and zoning office in the Kelly Administration Building, 123 W. Indiana Avenue, DeLand, Florida.

C. *Duties and powers of the floodplain administrator.*

8. *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including but not limited to:

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

9. *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of map change;
Remainder unchanged.

E. *Site plans and construction documents.*

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 ~~develop~~ base flood elevation data prepared in accordance with currently accepted engineering practices; or

(2) Specify that the base flood elevation is two ~~three~~ 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 ~~three~~ feet.

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 E.4. 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 a floodway encroachment analysis ~~which~~ demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one 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.

Remainder unchanged.

J. *Definitions.*

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this section ~~or a request for a variance.~~

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on flood insurance rate maps (FIRM) as Zone V1-V30, VE, or V. ~~(Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas.")~~

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 ~~1211~~ Historic Buildings.

Park trailer. A transportable unit which has a body width not exceeding 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 F.S. § ~~320230~~.01).

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

L. *Same—Subdivisions*

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 and final plats;
 - b. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection E.2.a. ~~or b.~~; and
 - c. Compliance with the site improvement and utilities requirements of subsection M.

M. *Same—Site improvements, utilities and limitations.*

6. *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection E.3.d. demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with subsection Q.8(3).

N. *Same—Manufactured homes.*

2. *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
 - a. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this section. Foundations for manufactured homes subject to Section N.6 of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
 - b. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this section.
6. *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection N.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, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); 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 ~~48~~36 inches in height above grade.
7. *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 and R322.3 for such enclosed areas, as applicable to the flood hazard area.

Q. *Same—Other development.*

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 M.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.

SECTION 3. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in **the City of South Daytona**. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 4. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the **City Council** that the provisions of this ordinance shall become and be made a part of the **City of South Daytona's** Code of Ordinances, and that the sections of this ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. SEVERABILITY.

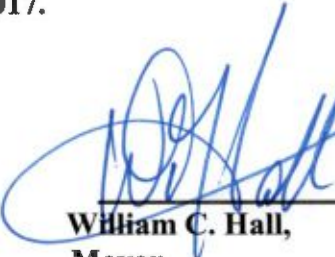
If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect immediately upon adoption.

PASSED on first reading **July 11, 2017**.

PASSED and ADOPTED in regular session, with a quorum present and voting, by the **City Council**, upon second and final reading this **August 8, 2017**.


City Council

William C. Hall,
Mayor

ATTEST:


Joseph W. Yarbrough,
City Manager

APPROVED AS TO FORM:


Scott Simpson,
City Attorney