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ORDINANCE 2021-10 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH AMENDING CHAPTER 23 OF THE LAKE WORTH BEACH CODE OF ORDINANCES RELATED TO FLOODPLAIN MANAGEMENT STANDARDS FOR MANUFACTURED HOMES AND PROVIDING FOR IDENTICAL ELEVATION STANDARDS; PROVIDING FOR APPLICABILITY, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Worth Beach, Florida (“the City”), pursuant to the authority granted in Chapters 163 and 166, Florida Statutes, is authorized to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City has adopted floodplain management regulations as set forth in Chapter 23, Land Development Regulations, Article 7. Floodplain Management, of the City Code of Ordinances “the Floodplain Management Ordinance”); and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Lake Worth Beach and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City was accepted for participation in the National Flood Insurance Program on August 2, 1974 and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 23, necessary for such participation; and

WHEREAS, on June 16, 2021 these amendments were reviewed by the City of Lake Worth Beach Historic Resources Preservation Board, which made a recommendation to the City Commission to adopt the amendments; and

WHEREAS, on June 23, 2021 these amendments were reviewed by the City of Lake Worth Beach Planning and Zoning Board, which made a recommendation to the City Commission to adopt the amendments; and

WHEREAS, the City Commission has reviewed the recommended amendments and has determined that it is in the best interest of the public health, safety and general welfare of the City, its residents and visitors to adopt these amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1. The foregoing recitals are incorporated herein by reference and made a part hereof.

51 **Section 2.** Chapter 23, Land Development Regulations, Article 7. Floodplain
52 Management, Section 23-7-10, Definitions, is hereby amended as follows (words stricken
53 are deletions; words underlined are additions):

54 Sec. 23-7-10. Definitions.

55
56
57 ~~*Existing manufactured home park or subdivision:* A manufactured home park
58 or subdivision for which the construction of facilities for servicing the lots on
59 which the manufactured homes are to be affixed (including, at a minimum, the
60 installation of utilities, the construction of streets, and either final site grading or
61 the pouring of concrete pads) is completed before November 6, 1978.~~

62
63 ~~*Expansion to an existing manufactured home park or subdivision:* The
64 preparation of additional sites by the construction of facilities for servicing the
65 lots on which the manufactured homes are to be affixed (including the
66 installation of utilities, the construction of streets, and either final site grading or
67 the pouring of concrete pads).~~

68
69 ~~*New manufactured home park or subdivision:* A manufactured home park or
70 subdivision for which the construction of facilities for servicing the lots on which
71 the manufactured homes are to be affixed (including at a minimum, the
72 installation of utilities, the construction of streets, and either final site grading or
73 the pouring of concrete pads) is completed on or after November 6, 1978.~~

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76 **Section 3.** Chapter 23, Land Development Regulations, Article 7. Floodplain
77 Management, Section 14, Manufactured Homes, is hereby amended as follows (words
78 stricken are deletions; words underlined are additions):

79 SECTION 23.7-14. - MANUFACTURED HOMES

80
81 a) *General.* All manufactured homes installed in flood hazard areas shall be
82 installed by an installer that is licensed pursuant to section 320.8249, F.S.
83 and shall comply with the requirements of Chapter 15C-1, F.A.C. and the
84 requirements of this ordinance. If located seaward of the coastal
85 construction control line, all manufactured homes shall comply with the
86 more restrictive of the applicable requirements.

87
88 1. Limitations on installation in floodways and coastal high hazard areas
89 (Zone V). New installations of manufactured homes shall not be
90 permitted in floodways and coastal high hazard areas (Zone V).

91
92 b). Foundations. All new manufactured homes and replacement manufactured
93 homes installed in flood hazard areas shall be installed on permanent,
94 reinforced foundations that:

95 1. In flood hazard areas (Zone A) other than coastal high hazard areas,
96 are designed in accordance with the foundation requirements of the
97 *Florida Building Code, Residential* Section R322.2 and this Chapter.

98 Foundations for manufactured homes subject to Section 23.7-
 99 14(d)(2) of this Chapter are permitted to be reinforced piers or other
 100 foundation elements of at least equivalent strength.

101 2. In coastal high hazard areas (Zone V), are designed in accordance
 102 with the foundation requirements of the *Florida Building Code,*
 103 *Residential* Section R322.3 and this ordinance.

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

112 d). ~~*Elevation.* Manufactured homes that are placed, replaced, or substantially~~
 113 ~~improved shall comply with subsections 23.7-14(d)(1) or (2) of this~~
 114 ~~ordinance, as applicable. All manufactured homes that are placed,~~
 115 ~~replaced, or substantially improved in flood hazard areas shall be elevated~~
 116 ~~such that the bottom of the frame is at or above the elevation required, as~~
 117 ~~applicable to the flood hazard area, in the *Florida Building Code,*~~
 118 ~~*Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V and~~
 119 ~~Coastal A Zone).~~

120
 121 1. ~~General elevation requirement. Unless subject to the requirements of~~
 122 ~~Section 23.7-14(d)(2) of this ordinance, all manufactured homes that~~
 123 ~~are placed, replaced, or substantially improved on sites located: (a)~~
 124 ~~outside of a manufactured home park or subdivision; (b) in a new~~
 125 ~~manufactured home park or subdivision; (c) in an expansion to an~~
 126 ~~existing manufactured home park or subdivision; or (d) in an existing~~
 127 ~~manufactured home park or subdivision upon which a manufactured~~
 128 ~~home has incurred "substantial damage" as the result of a flood, shall~~
 129 ~~be elevated such that the bottom of the frame is at or above the~~
 130 ~~elevation required, as applicable to the flood hazard area, in the~~
 131 ~~*Florida Building Code, Residential* Section R322.2 (Zone A) or~~
 132 ~~Section R322.3 (Zone V).~~

133
 134 2. ~~Elevation requirement for certain existing manufactured home parks~~
 135 ~~and subdivisions. Manufactured homes that are not subject to Section~~
 136 ~~23.7-14(d)(1) of this Chapter, including manufactured homes that are~~
 137 ~~placed, replaced, or substantially improved on sites located in an~~
 138 ~~existing manufactured home park or subdivision, unless on a site~~
 139 ~~where substantial damage as result of flooding has occurred, shall be~~
 140 ~~elevated such that either the:~~

141 A. ~~Bottom of the frame of the manufactured home is at or above~~
 142 ~~the elevation required, as applicable to the flood hazard area,~~
 143 ~~in the *Florida Building Code, Residential* Section R322.2 (Zone~~
 144 ~~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 forty-eight (48) inches in height above grade.~~

Section 4. Applicability. This ordinance shall apply to all applications for development in the City of Lake Worth Beach, Florida, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

Section 5: Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6: Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7: Codification. The sections of the ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

Section 8: Effective Date. This ordinance shall become effective 10 days after passage.

The passage of this ordinance on first reading was moved by Commissioner McVoy, seconded by Vice Mayor Robinson and upon being put to a vote, the vote was as follows:

Mayor Betty Resch	AYE
Vice Mayor Herman Robinson	AYE
Commissioner Sarah Malega	AYE
Commissioner Christopher McVoy	AYE
Commissioner Kimberly Stokes	AYE

The Mayor thereupon declared this ordinance duly passed on first reading on the 20th day of July, 2021.

The passage of this ordinance on second reading was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Herman Robinson
Commissioner Sarah Malega
Commissioner Christopher McVoy

Commissioner Kimberly Stokes

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The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2021.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk