

## **ORDINANCE 2046**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AMENDING THE CITY OF FORT WALTON BEACH LAND DEVELOPMENT CODE SECTION 3.05.00 FLOODPLAIN MANAGEMENT TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

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

**WHEREAS**, the City of Fort Walton Beach participates in the National Flood Insurance Program (NFIP) and the City Council 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 (FEMA) has revised and reissued the Flood Insurance Study for Okaloosa County, Florida and Incorporated Areas, with an effective date of March 9, 2021; and

**WHEREAS**, the City Council has determined that it is in the public interest to amend Chapter 3 of the Land Development Code, Subsection 3.05.00 Floodplain Management, to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Maps; and

**WHEREAS**, the City of Fort Walton Beach participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements; and

**WHEREAS**, the City of Fort Walton Beach achieved a Community Rating System rating of 7, making citizens who purchase National Flood Insurance Program flood insurance policies eligible for premium discounts; and

**WHEREAS**, in 2020, the National Flood Insurance Program Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

**WHEREAS**, to satisfy the prerequisite and for the City of Fort Walton Beach to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated such that the lowest floors, or lowest horizontal structural members of the lowest floors, as applicable, are at or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

**WHEREAS**, the City Council determined that it is in the public interest to amend the floodplain management regulations to better protect owners and occupants of manufactured

homes and to continue participating in the Community Rating System at the current class rating; and

**WHEREAS**, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

**WHEREAS**, City Council has determined it appropriate to adopt regulations that are consistent with the Federal Emergency Management Agency Policy to allow issuance of permits for wet floodproofed accessory structures that are not larger than the sizes specified in the Federal Emergency Management Agency Policy.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA AS FOLLOWS:**

### **SECTION 1. AUTHORITY AND INTENT**

The authority for enactment of this ordinance is contained in Chapter 166.021, 163.3202, and other provisions of the Florida Statutes and Section 2 of the City Charter.

### **SECTION 2. AMENDMENT OF LAND DEVELOPMENT CODE SECTION 3.05.00 FLOODPLAIN MANAGEMENT**

#### **SECTION 3.05.00 FLOODPLAIN MANAGEMENT**

Section 3.05.00, Floodplain Management, of the Fort Walton Beach Land Development Code shall be amended for consistency as follows:

##### **3.05.02 - Applicability.**

- C. Basis for establishing flood hazard areas. The Flood Insurance Study for Okaloosa County, Florida and Incorporated Areas dated ~~December 6, 2002~~ March 9, 2021, 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 City of Fort Walton Beach City Hall, located at 105 Miracle Strip Parkway SW, Fort Walton Beach, FL 32548.

##### **3.05.12 - Flood Resistant Development—Manufactured Homes.**

- B. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
  - 1. In flood hazard areas (Zones A, AE, AH, and AO) 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 3.05.12(f) are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~
- D. 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, as applicable to the flood hazard area, in

~~the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone). Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 3.05.12(E) or 3.05.12(F) of this code, as applicable.~~

~~E.— General elevation requirement. Unless subject to the requirements of section 3.05.12(F) of this code, all manufactured homes that are placed, replaced, or substantially improved on sites located:~~

- ~~(1)— Outside of a manufactured home park or subdivision;~~
- ~~(2)— In a new manufactured home park or subdivision;~~
- ~~(3)— In an expansion to an existing manufactured home park or subdivision; or~~
- ~~(4)— 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 (Zones A, AE, AH, and AO) or Section R322.3 (Zones V and VE).~~

~~F.— Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 3.05.12(E) of this code, 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:~~

- ~~1.— 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 (Zones A, AE, AH, and AO) or Section R322.3 (Zones V and VE); or~~
- ~~2.— Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 48 inches in height above grade.~~

~~GE.~~ Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

~~HE.~~ 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, as applicable to the flood hazard area.

### 3.5.17 - Definitions.

~~*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) was completed before September 14, 1976.~~

~~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).~~

~~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) was completed on or after September 14, 1976.~~

### **SECTION 3. APPLICABILITY.**

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Fort Walton Beach. 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. REPEALER.**

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict.

### **SECTION 5. INCLUSION INTO THE LAND DEVELOPMENT CODE**

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 Fort Walton Beach's Land Development Code, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

### **SECTION 6. SEVERABILITY.**

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

### **SECTION 7. FINDINGS**

The City Council of the City of Fort Walton Beach finds that the Local Planning Agency reviewed and recommended approval of the ordinance on January 7, 2020.

The City Council of the City of Fort Walton Beach finds that the proposed ordinance is consistent with the goals, objectives, and policies of the City's Comprehensive Plan.

The City Council of the City of Fort Walton Beach finds that all notice requirements for enactment of the ordinance have been met in accordance with the Florida Statutes and the City's Land Development Code.

### **SECTION 8. EFFECTIVE DATE.**

This ordinance shall take effect immediately upon approval on second reading by the City Council and signature of the Mayor.

Adopted: January 26, 2021

\_\_\_\_\_  
Richard A. Rynearson, Mayor

Attest:

Approved for form, legal sufficiency

\_\_\_\_\_  
Kim M. Barnes, City Clerk

\_\_\_\_\_  
Hayward Dykes, Jr., City Attorney

Additions are underlined; deletions are stricken.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Nic Allegretto, Council Member
<b>SECONDER:</b>	Mike Holmes, Council Member
<b>AYES:</b>	Allegretto, Holmes, Jamieson, Kelley, Locklear, Moran, Schmidt