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ORDINANCE NO. 2024-23

**AN ORDINANCE OF WELLINGTON, FLORIDA’S COUNCIL AMENDING
THE WELLINGTON CODE OF ORDINANCES CHAPTER 5 BUILDINGS
AND BUILDING REGULATIONS, TO REVISE THE FLOOD INSURANCE
STUDY DATE; SPECIFY ELEVATION OF MANUFACTURED HOMES IN
FLOOD HAZARD AREAS; REFORMATTING AMENDMENTS TO THE
FLORIDA BUILDING CODE, PROVIDING FOR APPLICABILITY AND
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

13 **WHEREAS**, the Village of Wellington participates in the National Flood Insurance Program
14 (NFIP) and participates in the NFIP’s Community Rating System, a voluntary incentive program
15 that recognizes and encourages community floodplain management activities that exceed the
16 minimum program requirements and achieved a CRS rating of Class 5, making citizens who
17 purchase NFIP flood insurance policies eligible for premium discounts; and

18 **WHEREAS**, in 2020 the NFIP Community Rating System established certain minimum
19 prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

20 **WHEREAS**, to satisfy the prerequisite and for Wellington to maintain the current CRS
21 rating, all manufactured homes installed or replaced in special flood hazard areas must be
22 elevated to or above at least the base flood elevation plus one (1) foot, which necessitates
23 modification of the existing requirements; and

24 **WHEREAS**, the Village Council determined that it is in the public interest to amend the
25 floodplain management regulations to better protect manufactured homes and to continue
26 participating in the Community Rating System at the current class rating; and

27 **WHEREAS**, Chapter 553, Florida Statutes, allows for local administrative and technical
28 amendments to the *Florida Building Code* that provide for more stringent requirements than those
29 specified in the Code and allows the adoption of local administrative and local technical
30 amendments to the Florida Building Code to implement the National Flood Insurance Program
31 and incentives; and

32 **WHEREAS**, the Village Council previously adopted local amendments to the Florida
33 Building Code and is reformatting those amendments as part of the floodplain management
34 regulations.

35 **NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF WELLINGTON, FLORIDA THAT:**

36
37 **SECTION 1.** The Wellington Code of Ordinances, Chapter 5 Buildings and Building
38 Regulations Article II Flood Damage Prevention is amended as set forth in the following
39 amendments, as shown in ~~strike through~~ and underline format as presented below.

1
2 **Chapter 5 BUILDINGS AND BUILDING REGULATIONS**

3 **ARTICLE II. FLOOD DAMAGE PREVENTION**

4 **Sec. 5-4. Title.**

5 These regulations shall be known as the Floodplain Management Ordinance of Wellington,
6 hereinafter referred to as "this article."

7 **Sec. 5-5. Scope.**

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

16 **Sec. 5-6. Purpose and intent.**

17 The purpose and intent of this article and the flood load and flood resistant construction
18 requirements of the Florida Building Code are to establish minimum requirements to safeguard
19 the public health, safety, and general welfare and to minimize public and private losses due to
20 flooding through regulation of development in flood hazard areas to:

- 21 A. Minimize unnecessary disruption of commerce, access and public service during
22 times of flooding;
- 23 B. Require the use of appropriate construction practices in order to prevent or minimize
24 future flood damage;
- 25 C. Manage filling, grading, dredging, mining, paving, excavation, drilling operations,
26 storage of equipment or materials, and other development which may increase flood
27 damage or erosion potential;
- 28 D. Manage the alteration of flood hazard areas, watercourses, and shorelines to
29 minimize the impact of development on the natural and beneficial functions of the
30 floodplain;
- 31 E. Minimize damage to public and private facilities and utilities;
- 32 F. Help maintain a stable tax base by providing for the sound use and development of
33 flood hazard areas;
- 34 G. Minimize the need for future expenditure of public funds for flood control projects and
35 response to and recovery from flood events; and
- 36 H. Meet the requirements of the National Flood Insurance Program for community
37 participation as set forth in Title 44 Code of Federal Regulations, Section 59.22.

1 **Sec. 5-7. Coordination with the Florida Building Code.**

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

5 **Sec. 5-8. Warning.**

6 The degree of flood protection required by this article and the Florida Building Code, as
7 amended by this community, is considered the minimum reasonable for regulatory purposes and
8 is based on scientific and engineering considerations. Larger floods can and will occur. Flood
9 heights may be increased by man-made or natural causes. This article does not imply that land
10 outside of mapped special flood hazard areas, or that uses permitted within such flood hazard
11 areas, will be free from flooding or flood damage. The flood hazard areas and base flood
12 elevations contained in the flood insurance study and shown on flood insurance rate maps and
13 the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by
14 the Federal Emergency Management Agency, requiring this community to revise these
15 regulations to remain eligible for participation in the National Flood Insurance Program. No
16 guaranty of vested use, existing use, or future use is implied or expressed by compliance with
17 this article.

18 **Sec. 5-9. Disclaimer of liability.**

19 This article shall not create liability on the part of Wellington, its Council, or its officers or
20 employees for any flood damage that results from reliance on this article or any administrative
21 decision lawfully made thereunder.

22 **Sec. 5-10. General (conflict between requirements).**

23 Where there is a conflict between a general requirement and a specific requirement, the
24 specific requirement shall be applicable.

25 **Sec. 5-11. Areas to which this article applies.**

26 This article shall apply to all flood hazard areas within Wellington, as established in section
27 5-12 of this article.

28 **Sec. 5-12. Basis for establishing flood hazard areas.**

29 The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas dated
30 December 20, 2024, and all subsequent amendments and revisions, and the accompanying flood
31 insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are
32 adopted by reference as a part of this article and shall serve as the minimum basis for establishing
33 flood hazard areas. Studies and maps that establish flood hazard areas are on file at the
34 Wellington Planning, Zoning and Building Department, located at 12300 Forest Hill Boulevard,
35 Wellington, Florida 33414.

36 **Sec. 5-13. Submission of additional data to establish flood hazard areas.**

37 To establish flood hazard areas and base flood elevations, pursuant to sections 5-33 through
38 5-36 of this article, the floodplain administrator may require submission of additional data. Where
39 field surveyed topography prepared by a Florida licensed professional surveyor or digital
40 topography accepted by the community indicates that ground elevations:

- 41 A. Are below the closest applicable base flood elevation, even in areas not delineated as
42 a special flood hazard area on a FIRM, the area shall be considered as flood hazard

1 area and subject to the requirements of this article and, as applicable, the
2 requirements of the Florida Building Code.

- 3 B. Are above the closest applicable base flood elevation, the area shall be regulated as
4 special flood hazard area unless the applicant obtains a letter of map change that
5 removes the area from the special flood hazard area.

6 **Sec. 5-14. Other laws.**

7 The provisions of this article shall not be deemed to nullify any provisions of local, state or
8 federal law.

9 **Sec. 5-15. Abrogation and greater restrictions.**

10 This article supersedes any ordinance in effect for management of development in flood
11 hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including
12 but not limited to land development regulations, zoning ordinances, stormwater management
13 regulations, or the Florida Building Code. In the event of a conflict between this article and any
14 other ordinance, the more restrictive shall govern. This article shall not impair any deed restriction,
15 covenant or easement, but any land that is subject to such interests shall also be governed by
16 this article.

17 **Sec. 5-16. Interpretation.**

18 In the interpretation and application of this article, all provisions shall be:

- 19 A. Considered as minimum requirements;
20 B. Liberally construed in favor of the governing body; and
21 C. Deemed neither to limit nor repeal any other powers granted under state statutes.

22 **Sec. 5-17. Designation.**

23 The Building Official is designated as the floodplain administrator. The ~~Building Official~~
24 floodplain administrator may delegate performance of certain duties to other employees.

25 **Sec. 5-18. General (floodplain administrator).**

26 The floodplain administrator is authorized and directed to administer and enforce the
27 provisions of this article. The floodplain administrator shall have the authority to render
28 interpretations of this article consistent with the intent and purpose of this article and may establish
29 policies and procedures in order to clarify the application of its provisions. Such interpretations,
30 policies, and procedures shall not have the effect of waiving requirements specifically provided in
31 this article without the granting of a variance pursuant to Sections 5-43 through 5-50 of this article.

32 **Sec. 5-19. Applications and permits.**

33 The floodplain administrator, in coordination with other pertinent offices of the community,
34 shall:

- 35 A. Review applications and plans to determine whether proposed new development will
36 be located in flood hazard areas;
37 B. Review applications for modification of any existing development in flood hazard areas
38 for compliance with the requirements of this article;

- 1 C. Interpret flood hazard area boundaries where such interpretation is necessary to
2 determine the exact location of boundaries; a person contesting the determination
3 shall have the opportunity to appeal the interpretation;
- 4 D. Provide available flood elevation and flood hazard information;
- 5 E. Determine whether additional flood hazard data shall be obtained from other sources
6 or shall be developed by an applicant;
- 7 F. Review applications to determine whether proposed development will be reasonably
8 safe from flooding;
- 9 G. Issue floodplain development permits or approvals for development other than
10 buildings and structures that are subject to the Florida Building Code, including
11 buildings, structures and facilities exempt from the Florida Building Code, when
12 compliance with this article is demonstrated, or disapprove the same in the event of
13 noncompliance; and
- 14 H. Coordinate with and provide comments to the Building Official to assure that
15 applications, plan reviews, and inspections for buildings and structures in flood hazard
16 areas comply with the applicable provisions of this article.

17 **Sec. 5-20. Substantial improvement and substantial damage determinations.**

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

- 23 A. Estimate the market value of the building or structure ~~per the valuation data contained~~
24 ~~in the records of the Office of the Property Appraiser of Palm Beach County, Florida,~~
25 or require the applicant to obtain an appraisal of the market value prepared by a
26 qualified independent appraiser, of the building or structure before the start of
27 construction of the proposed work; in the case of repair, the market value of the
28 building or structure shall be the market value before the damage occurred and before
29 any repairs are made; all valuation data and/or appraisals must be dated within six
30 months of permit application date.
- 31 B. Compare the cost to perform the improvement, the cost to repair a damaged building
32 to its pre-damaged condition, or the combined costs of improvements and repairs, if
33 applicable, to the market value of the building or structure;
- 34 C. Determine and document whether the proposed work constitutes substantial
35 improvement or repair of substantial damage; and
- 36 D. Notify the applicant if it is determined that the work constitutes substantial
37 improvement or repair of substantial damage and that compliance with the flood
38 resistant construction requirements of the Florida Building Code and this article is
39 required.

40 **Sec. 5-21. Notices and orders.**

41 The floodplain administrator shall coordinate with appropriate local agencies for the
42 issuance of all necessary notices or orders to ensure compliance with this article.

1 **Sec. 5-22. Inspections.**

2 The floodplain administrator shall make the required inspections as specified in Sections 5-
3 37 through 5-42 of this article for development that is not subject to the Florida Building Code,
4 including buildings, structures and facilities exempt from the Florida Building Code. The
5 floodplain administrator shall inspect flood hazard areas to determine if development is
6 undertaken without issuance of a permit.

7 **Sec. 5-23. Other duties of the floodplain administrator.**

8 The floodplain administrator shall have other duties, including but not limited to:

- 9 A. Establish, in coordination with the Building Official procedures for administering and
10 documenting determinations of substantial improvement and substantial damage
11 made pursuant to Section 5-20 of this article;
- 12 B. Require that applicants proposing alteration of a watercourse notify adjacent
13 communities and the Florida Division of Emergency Management, State Floodplain
14 Management Office, and submit copies of such notifications to the Federal Emergency
15 Management Agency (FEMA);
- 16 C. Require applicants who submit hydrologic and hydraulic engineering analyses to
17 support permit applications to submit to FEMA the data and information necessary to
18 maintain the flood insurance rate maps if the analyses propose to change base flood
19 elevations, flood hazard area boundaries, or floodway designations; such submissions
20 shall be made within six months of such data becoming available;
- 21 D. Review required design certifications and documentation of elevations specified by
22 this article and the Florida Building Code to determine that such certifications and
23 documentations are complete; and
- 24 E. Notify the Federal Emergency Management Agency when the corporate boundaries of
25 Wellington are modified.

26 **Sec. 5-24. Floodplain management records.**

27 Regardless of any limitation on the period required for retention of public records, the
28 floodplain administrator shall maintain and permanently keep and make available for public
29 inspection all records that are necessary for the administration of this article and the flood resistant
30 construction requirements of the Florida Building Code, including flood insurance rate maps;
31 letters of map change; records of issuance of permits and denial of permits; determinations of
32 whether proposed work constitutes substantial improvement or repair of substantial damage;
33 required design certifications and documentation of elevations specified by the Florida Building
34 Code and this article; notifications to adjacent communities, FEMA, and the state related to
35 alterations of watercourses; assurances that the flood carrying capacity of altered watercourses
36 will be maintained; documentation related to appeals and variances, including justification for
37 issuance or denial; and records of enforcement actions taken pursuant to this article and the flood
38 resistant construction requirements of the Florida Building Code. These records shall be available
39 for public inspection at Wellington's Planning, Zoning and Building Department, located at 12300
40 Forest Hill Boulevard, Wellington, Florida 33414.

41 **Sec. 5-25. Permits required.**

42 Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake
43 any development activity within the scope of this article, including buildings, structures and
44 facilities exempt from the Florida Building Code, which is wholly within or partially within any flood

1 hazard area shall first make application to the floodplain administrator, and the Building Official,
2 if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval
3 shall be issued until compliance with the requirements of this article and all other applicable codes
4 and regulations has been satisfied.

5 **Sec. 5-26. Floodplain development permits or approvals.**

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

12 **Sec. 5-27. Buildings, structures and facilities exempt from the Florida Building Code.**

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

- 18 A. Railroads and ancillary facilities associated with the railroad.
- 19 B. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
- 20 C. Temporary buildings or sheds used exclusively for construction purposes.
- 21 D. Mobile or modular structures used as temporary offices.
- 22 E. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are
23 directly involved in the generation, transmission, or distribution of electricity.
- 24 F. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole
25 Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided
26 wooden hut that has a thatched roof of palm or palmetto or other traditional materials,
27 and that does not incorporate any electrical, plumbing, or other non-wood features.
- 28 G. Family mausoleums not exceeding 250 square feet in area that are prefabricated and
29 assembled on site or preassembled and delivered on site and have walls, roofs, and a
30 floor constructed of granite, marble, or reinforced concrete.
- 31 H. Temporary housing provided by the Department of Corrections to any prisoner in the
32 state correctional system.
- 33 I. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building
34 Code if such structures are located in flood hazard areas established on flood
35 insurance rate maps.

36 **Sec. 5-28. Application for a permit or approval.**

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

- 39 A. Identify and describe the development to be covered by the permit or approval.
- 40 B. Describe the land on which the proposed development is to be conducted by legal
41 description, street address or similar description that will readily identify and
42 definitively locate the site.

- 1 C. Indicate the use and occupancy for which the proposed development is intended.
- 2 D. Be accompanied by a site plan or construction documents as specified in sections 5-
3 33 through 5-36 of this article.
- 4 E. State the valuation of the proposed work.
- 5 F. Be signed by the applicant or the applicant's authorized agent.
- 6 G. Give such other data and information as required by the floodplain administrator.

7 **Sec. 5-29. Validity of permit or approval.**

8 The issuance of a floodplain development permit or approval pursuant to this article shall not
9 be construed to be a permit for, or approval of, any violation of this article, the Florida Building
10 Codes, or any other ordinance of this community. The issuance of permits based on submitted
11 applications, construction documents, and information shall not prevent the floodplain
12 administrator from requiring the correction of errors and omissions.

13 **Sec. 5-30. Expiration.**

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

19 **Sec. 5-31. Suspension or revocation.**

20 The floodplain administrator is authorized to suspend or revoke a floodplain development
21 permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or
22 incomplete information, or in violation of this article or any other ordinance, regulation or
23 requirement of this community.

24 **Sec. 5-32. Other permits required.**

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

- 28 A. The South Florida Water Management District; F.S. § 373.036.
- 29 B. Florida Department of Health for onsite sewage treatment and disposal systems; F.S.
30 § 381.0065 and Chapter 64E-6, F.A.C.
- 31 C. Florida Department of Environmental Protection for activities subject to the Joint
32 Coastal Permit; F.S. § 161.055.
- 33 D. Florida Department of Environmental Protection for activities that affect wetlands and
34 alter surface water flows, in conjunction with the U.S. Army Corps of Engineers;
35 Section 404 of the Clean Water Act.
- 36 E. Federal permits and approvals.

37 **Sec. 5-33. Information for development in flood hazard areas.**

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

- 1 A. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood
2 elevation(s), and ground elevations if necessary for review of the proposed
3 development.
- 4 B. Where base flood elevations or floodway data are not included on the FIRM or in the
5 flood insurance study, they shall be established in accordance with section 5-34(B) or
6 (C) of this article.
- 7 C. Where the parcel on which the proposed development will take place will have more
8 than 50 lots or is larger than five acres and the base flood elevations are not included
9 on the FIRM or in the flood insurance study, such elevations shall be established in
10 accordance with section 5-34(A) of this article.
- 11 D. Location of the proposed activity and proposed structures, and locations of existing
12 buildings and structures.
- 13 E. Location, extent, amount, and proposed final grades of any filling, grading, or
14 excavation.
- 15 F. Where the placement of fill is proposed, the amount, type, and source of fill material;
16 compaction specifications; a description of the intended purpose of the fill areas; and
17 evidence that the proposed fill areas are the minimum necessary to achieve the
18 intended purpose.
- 19 G. Existing and proposed alignment of any proposed alteration of a watercourse.

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

24 **Sec. 5-34. Information in flood hazard areas without base flood elevations (approximate**
25 **Zone A).**

26 Where flood hazard areas are delineated on the FIRM and base flood elevation data have
27 not been provided, the floodplain administrator shall:

- 28 A. Require the applicant to include base flood elevation data prepared in accordance
29 with currently accepted engineering practices.
- 30 B. Obtain, review, and provide to applicants base flood elevation and floodway data
31 available from a federal or state agency or other source or require the applicant to
32 obtain and use base flood elevation and floodway data available from a federal or
33 state agency or other source.
- 34 C. Where base flood elevation and floodway data are not available from another source,
35 where the available data are deemed by the floodplain administrator to not reasonably
36 reflect flooding conditions, or where the available data are known to be scientifically or
37 technically incorrect or otherwise inadequate:
 - 38 1. Require the applicant to include base flood elevation data prepared in
39 accordance with currently accepted engineering practices; or
 - 40 2. Specify that the base flood elevation is two feet above the highest adjacent grade
41 at the location of the development, provided there is no evidence indicating flood
42 depths have been or may be greater than two feet.

- 1 D. Where the base flood elevation data are to be used to support a letter of map change
2 from FEMA, advise the applicant that the analyses shall be prepared by a Florida
3 licensed engineer in a format required by FEMA, and that it shall be the responsibility
4 of the applicant to satisfy the submittal requirements and pay the processing fees.

5 **Sec. 5-35. Additional analyses and certifications.**

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

- 10 A. For development activities proposed to be located in a regulatory floodway, a
11 floodway encroachment analysis that demonstrates that the encroachment of the
12 proposed development will not cause any increase in base flood elevations; where the
13 applicant proposes to undertake development activities that do increase base flood
14 elevations, the applicant shall submit such analysis to FEMA as specified in section 5-
15 36 of this article and shall submit the conditional letter of map revision, if issued by
16 FEMA, with the site plan and construction documents.
- 17 B. For development activities proposed to be located in a riverine flood hazard area for
18 which base flood elevations are included in the flood insurance study or on the FIRM
19 and floodways have not been designated, hydrologic and hydraulic analyses that
20 demonstrate that the cumulative effect of the proposed development, when combined
21 with all other existing and anticipated flood hazard area encroachments, will not
22 increase the base flood elevation more than one foot at any point within the
23 community. This requirement does not apply in isolated flood hazard areas not
24 connected to a riverine flood hazard area or in flood hazard areas identified as Zone
25 AO or Zone AH.
- 26 C. For alteration of a watercourse, an engineering analysis prepared in accordance with
27 standard engineering practices which demonstrates that the flood-carrying capacity of
28 the altered or relocated portion of the watercourse will not be decreased, and
29 certification that the altered watercourse shall be maintained in a manner which
30 preserves the channel's flood-carrying capacity; the applicant shall submit the analysis
31 to FEMA as specified in section 5-36 of this article.

32 **Sec. 5-36. Submission of additional data.**

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

39 **Sec. 5-37. General (development inspections).**

40 Development for which a floodplain development permit or approval is required shall be
41 subject to inspection.

1 **Sec. 5-38. Development other than buildings and structures (inspections).**

2 The floodplain administrator shall inspect all development to determine compliance with the
3 requirements of this article and the conditions of issued floodplain development permits or
4 approvals.

5 **Sec. 5-39. Buildings, structures and facilities exempt from the Florida Building Code**
6 **(inspections).**

7 The floodplain administrator shall inspect buildings, structures and facilities exempt from
8 the Florida Building Code to determine compliance with the requirements of this article and the
9 conditions of issued floodplain development permits or approvals.

10 **Sec. 5-40. Buildings, structures and facilities exempt from the Florida Building Code,**
11 **lowest floor inspection.**

12 Upon placement of the lowest floor, including basement, and prior to further vertical
13 construction, the owner of a building, structure or facility exempt from the Florida Building Code,
14 or the owner's authorized agent, shall submit to the floodplain administrator:

15 A. (1)—If a design flood elevation was used to determine the required elevation of the
16 lowest floor, the certification of elevation of the lowest floor prepared and sealed by a
17 Florida licensed professional surveyor; or

18 B. (2)—If the elevation used to determine the required elevation of the lowest floor was
19 determined in accordance with section 5-34(C)(2) of this article, the documentation of
20 height of the lowest floor above highest adjacent grade, prepared by the owner or the
21 owner's authorized agent.

22 **Sec. 5-41. Buildings, structures and facilities exempt from the Florida Building Code,**
23 **final inspection.**

24 As part of the final inspection, the owner or owner's authorized agent shall submit to the
25 floodplain administrator a final certification of elevation of the lowest floor or final documentation
26 of the height of the lowest floor above the highest adjacent grade; such certifications and
27 documentations shall be prepared as specified in section 5-40 of this article.

28 **Sec. 5-42. Manufactured homes (inspection).**

29 The floodplain administrator shall inspect manufactured homes that are installed or
30 replaced in flood hazard areas to determine compliance with the requirements of this article and
31 the conditions of the issued permit. Upon placement of a manufactured home, certification of the
32 elevation of the lowest floor shall be submitted to the floodplain administrator.

33 **Sec. 5-43. General (~~Construction Board of Adjustment and~~ Variances and Appeals).**

34 The Construction Board of Adjustment and Appeals shall hear and decide on requests for
35 appeals and requests for variances from the strict application of this article. Pursuant to F.S. §
36 553.73(5), the Construction Board of Adjustment and Appeals shall hear and decide on
37 requests for appeals and requests for variances from the strict application of the flood resistant
38 construction requirements of the Florida Building Code.

39 **Sec. 5-44. Appeals.**

40 The Construction Board of Adjustment and Appeals shall hear and decide appeals when it
41 is alleged there is an error in any requirement, decision, or determination made by the floodplain

1 administrator in the administration and enforcement of this article. Any person aggrieved by the
2 decision may appeal such decision to the circuit court, as provided by Florida Statutes.

3 **Sec. 5-45. Limitations on authority to grant variances.**

4 The Construction Board of Adjustment and Appeals shall base its decisions on variances
5 on technical justifications submitted by applicants, the considerations for issuance in section 5-
6 49 of this article, the conditions of issuance set forth in section 5-50 of this article, and the
7 comments and recommendations of the floodplain administrator and the Building Official. The
8 Construction Board of Adjustment and Appeals has the right to attach such conditions as it
9 deems necessary to further the purposes and objectives of this article.

10 **Sec. 5-46. Restrictions in floodways.**

11 A variance shall not be issued for any proposed development in a floodway if any increase
12 in base flood elevations would result, as evidenced by the applicable analyses and certifications
13 required in Section 35 of this article.

14 **Sec. 5-47. Historic buildings.**

15 A variance is authorized to be issued for the repair, improvement, or rehabilitation of a
16 historic building that is determined eligible for the exception to the flood resistant construction
17 requirements of the Florida Building Code, Existing Building Volume, upon a determination that
18 the proposed repair, improvement, or rehabilitation will not preclude the building's continued
19 designation as a historic building and the variance is the minimum necessary to preserve the
20 historic character and design of the building. If the proposed work precludes the building's
21 continued designation as a historic building, a variance shall not be granted and the building
22 and any repair, improvement, and rehabilitation shall be subject to the requirements of the
23 Florida Building Code.

24 **Sec. 5-48. Functionally dependent uses.**

25 A variance is authorized to be issued for the construction or substantial improvement
26 necessary for the conduct of a functionally dependent use, as defined in this article, provided
27 the variance meets the requirements of section 5-46, is the minimum necessary considering the
28 flood hazard, and all due consideration has been given to use of methods and materials that
29 minimize flood damage during occurrence of the base flood.

30 **Sec. 5-49. Considerations for issuance of variances.**

31 In reviewing requests for variances, the Construction Board of Adjustment and Appeals
32 shall consider all technical evaluations, all relevant factors, all other applicable provisions of the
33 Florida Building Code, this article, and the following:

- 34 A. The danger that materials and debris may be swept onto other lands resulting in
35 further injury or damage;
- 36 B. The danger to life and property due to flooding or erosion damage;
- 37 C. The susceptibility of the proposed development, including contents, to flood damage
38 and the effect of such damage on current and future owners;
- 39 D. The importance of the services provided by the proposed development to the
40 community;
- 41 E. The availability of alternate locations for the proposed development that are subject to
42 lower risk of flooding or erosion;

- 1 F. The compatibility of the proposed development with existing and anticipated
2 development;
- 3 G. The relationship of the proposed development to the comprehensive plan and
4 floodplain management program for the area;
- 5 H. The safety of access to the property in times of flooding for ordinary and emergency
6 vehicles;
- 7 I. The expected heights, velocity, duration, rate of rise and debris and sediment
8 transport of the floodwaters and the effects of wave action, if applicable, expected at
9 the site; and
- 10 J. The costs of providing governmental services during and after flood conditions
11 including maintenance and repair of public utilities and facilities such as sewer, gas,
12 electrical and water systems, streets and bridges.

13 **Sec. 5-50. Conditions for issuance of variances.**

14 Variances shall be issued only upon:

- 15 A. Submission by the applicant, of a showing of good and sufficient cause that the
16 unique characteristics of the size, configuration, or topography of the site limit
17 compliance with any provision of this article or the required elevation standards;
- 18 B. Determination by the Construction Board of Adjustment and Appeals that:
 - 19 1. Failure to grant the variance would result in exceptional hardship due to the
20 physical characteristics of the land that render the lot undevelopable; increased
21 costs to satisfy the requirements or inconvenience do not constitute hardship;
 - 22 2. The granting of a variance will not result in increased flood heights, additional
23 threats to public safety, extraordinary public expense, nor create nuisances,
24 cause fraud on or victimization of the public or conflict with existing local laws and
25 ordinances; and
 - 26 3. The variance is the minimum necessary, considering the flood hazard, to afford
27 relief;
 - 28 4. Receipt of a signed statement by the applicant that the variance, if granted, shall
29 be recorded in the Office of the Clerk of the Court in such a manner that it
30 appears in the chain of title of the affected parcel of land; and
 - 31 5. If the request is for a variance to allow construction of the lowest floor of a new
32 building, or substantial improvement of a building, below the required elevation, a
33 copy in the record of a written notice from the floodplain administrator to the
34 applicant for the variance, specifying the difference between the base flood
35 elevation and the proposed elevation of the lowest floor, stating that the cost of
36 federal flood insurance will be commensurate with the increased risk resulting
37 from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of
38 insurance coverage), and stating that construction below the base flood elevation
39 increases risks to life and property.

40 **Sec. 5-51. Violations.**

41 Any development that is not within the scope of the Florida Building Code but that is regulated
42 by this article that is performed without an issued permit, that is in conflict with an issued permit,
43 or that does not fully comply with this article, shall be deemed a violation of this article. A building

1 or structure without the documentation of elevation of the lowest floor, other required design
2 certifications, or other evidence of compliance required by this article or the Florida Building Code
3 is presumed to be a violation until such time as that documentation is provided.

4 **Sec. 5-52. Authority.**

5 For development that is not within the scope of the Florida Building Code but that is regulated
6 by this article and that is determined to be a violation, the floodplain administrator is authorized to
7 serve notices of violation or stop work orders to owners of the property involved, to the owner's
8 agent, or to the person or persons performing the work.

9 **Sec. 5-53. Unlawful continuance.**

10 Any person who shall continue any work after having been served with a notice of violation
11 or a stop work order, except such work as that person is directed to perform to remove or remedy
12 a violation or unsafe condition, shall be subject to penalties as prescribed by law per section
13 108.4.

14 **Sec. 5-54. Penalties for violation of chapter.**

15 A failure to comply with the provisions of this chapter or any of its requirements, including
16 conditions and safeguards established in connection with grants of variances, shall constitute a
17 violation. Any person who violates this chapter or fails to comply with any of its requirements shall,
18 upon a finding of such violation, be fined not more than \$500.00 and shall pay all costs and
19 expenses in the case. Each day a violation continues shall be considered a separate offense.
20 Nothing contained in this section shall prevent Wellington from taking such other lawful action as
21 is necessary to prevent or remedy any violation.

22 **Sec. 5-55. Scope (definitions).**

23 Unless otherwise expressly stated, the following words and terms shall, for the purposes of
24 this article, have the meanings shown in this section.

25 **Sec. 5-56. Terms defined in the Florida Building Code.**

26 Where terms are not defined in this article and are defined in the Florida Building Code,
27 such terms shall have the meanings ascribed to them in that code.

28 **Sec. 5-57. Terms not defined.**

29 Where terms are not defined in this article or the Florida Building Code, such terms shall
30 have ordinarily accepted meanings such as the context implies.

31 **Sec. 5-58. Definitions.**

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

36 *Appeal:* A request for a review of the floodplain administrator's interpretation of any
37 provision of this article.

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

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

4 *Base flood elevation:* The elevation of the base flood, including wave height, relative to the
5 National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other
6 datum specified on the flood insurance rate map (FIRM).

7 *Basement:* The portion of a building having its floor subgrade (below ground level) on all
8 sides. [See Florida Building Code, Building Volume, Section 202, "Basement (for flood loads)"].

9 *Design flood:* The flood associated with the greater of the following two areas:

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

14 *Design flood elevation:* The elevation of the "design flood," including wave height, relative
15 to the datum specified on the community's legally designated flood hazard map. In areas
16 designated as Zone AO, the design flood elevation shall be the elevation of the highest existing
17 grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard
18 map. In areas designated as Zone AO where the depth number is not specified on the map, the
19 depth number shall be taken as being equal to two feet.

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

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

27 *Existing building and existing structure:* Any buildings and structures for which the "start of
28 construction" commenced before October 1, 1999.

29 ~~*Existing manufactured home park or subdivision:* A manufactured home park or subdivision
30 for which the construction of facilities for servicing the lots on which the manufactured homes are
31 to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and
32 either final site grading or the pouring of concrete pads) is completed before October 1, 1999.~~

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

37 *Federal Emergency Management Agency (FEMA):* The federal agency that, in addition to
38 carrying out other functions, administers the National Flood Insurance Program.

39 *Flood or flooding:* A general and temporary condition of partial or complete inundation of
40 normally dry land from:

- 41 (1) The overflow of inland or tidal waters.
42 (2) The unusual and rapid accumulation or runoff of surface waters from any source.

1 *Flood damage-resistant materials:* Any construction material capable of withstanding direct
2 and prolonged contact with floodwaters without sustaining any damage that requires more than
3 cosmetic repair.

4 *Flood hazard area:* The greater of the following two areas:

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

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

9 *Flood insurance rate map (FIRM):* The official map of the community on which the Federal
10 Emergency Management Agency has delineated both special flood hazard areas and the risk
11 premium zones applicable to the community.

12 *Flood insurance study (FIS):* The official report provided by the Federal Emergency
13 Management Agency that contains the flood insurance rate map, the flood boundary and
14 floodway map (if applicable), the water surface elevations of the base flood, and supporting
15 technical data.

16 *Floodplain administrator:* The office or position designated and charged with the
17 administration and enforcement of this article (may be referred to as the floodplain manager).

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

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

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

29 *Florida Building Code:* The family of codes adopted by the Florida Building Commission,
30 including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building
31 Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing;
32 Florida Building Code, Fuel Gas.

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

38 *Highest adjacent grade:* The highest natural elevation of the ground surface prior to
39 construction next to the proposed walls or foundation of a structure.

40 *Historic structure:* Any structure that is determined eligible for the exception to the flood
41 hazard area requirements of the Florida Building Code, Existing Building Volume.

42 *Letter of map change (LOMC):* An official determination issued by FEMA that amends or revises
43 an effective flood insurance rate map or flood insurance study. Letters of map change include:

1 (1) Letter of map amendment (LOMA): An amendment based on technical data
2 showing that a property was incorrectly included in a designated special flood hazard area.
3 A LOMA amends the current effective flood insurance rate map and establishes that a
4 specific property, portion of a property, or structure is not located in a special flood hazard
5 area.

6 (2) Letter of map revision (LOMR): A revision based on technical data that may show
7 changes to flood zones, flood elevations, special flood hazard area boundaries and
8 floodway delineations, and other planimetric features.

9 (3) Letter of map revision based on fill (LOMR-F): A determination that a structure or
10 parcel of land has been elevated by fill above the base flood elevation and is, therefore, no
11 longer located within the special flood hazard area. In order to qualify for this
12 determination, the fill must have been permitted and placed in accordance with the
13 community's floodplain management regulations.

14 (4) Conditional letter of map revision (CLOMR): A formal review and comment as to
15 whether a proposed flood protection project or other project complies with the minimum
16 NFIP requirements for such projects with respect to delineation of special flood hazard
17 areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance
18 study; upon submission and approval of certified as-built documentation, a letter of map
19 revision may be issued by FEMA to revise the effective FIRM.

20 *Light-duty truck:* As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds
21 gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less
22 and which has a basic vehicle frontal area of 45 square feet or less, which is:

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

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

33 *Manufactured home:* A structure, transportable in one or more sections, which is eight feet
34 or more in width and greater than 400 square feet, and which is built on a permanent, integral
35 chassis and is designed for use with or without a permanent foundation when attached to the
36 required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park
37 trailer."

38 *Manufactured home park or subdivision:* A parcel (or contiguous parcels) of land divided into
39 two or more manufactured home lots for rent or sale.

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~~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 The term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established per the building-only valuation data contained in the records of the Office of the Property Appraiser of Palm Beach County, Florida, adjusted by a factor provided by that office, or by a qualified independent appraiser, actual cash value (replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value.~~

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 October 1, 1999 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 October 1, 1999.

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. § 320.01]

Recreational vehicle: A vehicle, including a park trailer, which is: [see in F.S. § 320.01]

- (1) Built on a single chassis;
- (2) 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.

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.

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.

1 *Substantial damage:* Damage of any origin sustained by a building or structure whereby the
2 cost of restoring the building or structure to its before-damaged condition would equal or exceed
3 50 percent of the market value of the building or structure before the damage occurred.

4 *Substantial improvement:* Any repair, reconstruction, rehabilitation, addition, or other
5 improvement of a building or structure, the cost of which equals or exceeds 50 percent of the
6 market value of the building or structure before the improvement or repair is started. If the
7 structure has incurred "substantial damage," any repairs are considered substantial improvement
8 regardless of the actual repair work performed. The term does not, however, include either:

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

14 *Variance:* A grant of relief from the requirements of this article, or the flood resistant
15 construction requirements of the Florida Building Code, which permits construction in a manner
16 that would not otherwise be permitted by this article or the Florida Building Code.

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

19 **Sec. 5-59. Design and construction of buildings, structures and facilities exempt from the**
20 **Florida Building Code.**

21 Pursuant to this article, buildings, structures, and facilities that are exempt from the Florida
22 Building Code, including substantial improvement or repair of substantial damage of such
23 buildings, structures and facilities, shall be designed and constructed in accordance with the flood
24 load and flood resistant construction requirements of ASCE 24. Structures exempt from the
25 Florida Building Code that are not walled and roofed buildings shall comply with the requirements
26 of Sections 5-81 through 5-84 of this article.

27 **Sec. 5-60. Minimum requirements (subdivisions).**

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

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

38 **Sec. 5-61. Subdivision plats.**

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

- 41 A. Delineation of flood hazard areas, floodway boundaries and flood zones, and design
42 flood elevations, as appropriate, shall be shown on preliminary plats;

- 1 B. Where the subdivision has more than 50 lots or is larger than five acres and base
2 flood elevations are not included on the FIRM, the base flood elevations determined in
3 accordance with Section 5-34(A) of this article; and
- 4 C. Compliance with the site improvement and utilities requirements of Sections 5-62
5 through 5-66 of this article.

6 **Sec. 5-62. Minimum requirements (site improvements, utilities and limitations).**

7 All proposed new development shall be reviewed to determine that:

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

16 **Sec. 5-63. Sanitary sewage facilities.**

17 All new and replacement sanitary sewage facilities, private sewage treatment plants
18 (including all pumping stations and collector systems), and on-site waste disposal systems shall
19 be designed in accordance with the standards for onsite sewage treatment and disposal systems
20 in Chapter 64E-6, F.A.C. and ASCE 24Chapter 7 to minimize or eliminate infiltration of
21 floodwaters into the facilities and discharge from the facilities into flood waters, and impairment
22 of the facilities and systems.

23 **Sec. 5-64. Water supply facilities.**

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

27 **Sec. 5-65. Limitations on sites in regulatory floodways.**

28 No development, including but not limited to site improvements, and land disturbing activity
29 involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway
30 encroachment analysis required in Section 5-34(A) of this article demonstrates that the proposed
31 development or land disturbing activity will not result in any increase in the base flood elevation.

32 **Sec. 5-66. Limitations on placement of fill.**

33 In Zone A, fill shall not be placed on land parcels of less than ten acres in area. Subject to
34 the limitations of this article and where permitted, fill shall be designed to be stable under
35 conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged
36 inundation, and protection against flood-related erosion and scour. In addition to these
37 requirements, if intended to support buildings and structures (Zone A only), fill shall comply with
38 the requirements of the Florida Building Code and ASTM D-698, Standard Test Methods for
39 Laboratory Compaction Characteristics of Soil Using Standard Effort.

1 **Sec. 5-67. General (manufactured homes).**

2 Manufactured homes shall not be placed in floodways. Where permitted, all manufactured
3 homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to
4 F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the
5 requirements of this article.

6 **Sec. 5-68. Foundations.**

7 All new manufactured homes and replacement manufactured homes installed in flood hazard
8 areas shall be installed on permanent, reinforced foundations that are designed in accordance
9 with the foundation requirements of the Florida Building Code Residential Section R322.2 and
10 this article. ~~Foundations for manufactured homes subject to section 5-72 of this article are~~
11 ~~permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

12 **Sec. 5-69. Anchoring.**

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

19 **Sec. 5-70. Elevation.**

20 All manufactured homes that are placed, replaced, or substantially improved in flood
21 hazard areas shall be elevated such that the bottom of the frame is at or above the elevation
22 required in the *Florida Building Code, Residential Section R322.2 (Zone A)*. ~~Manufactured~~
23 ~~homes that are placed, replaced, or substantially improved shall comply with section 5-71 or 5-~~
24 ~~72 of this article, as applicable.~~

25 **Sec. 5-71. General elevation requirement.**

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

34 **Sec. 5-72. Elevation requirements for certain existing manufactured home parks and**
35 **subdivisions.**

36 ~~Manufactured homes that are not subject to section 5-71 of this article, including~~
37 ~~manufactured homes that are placed, replaced, or substantially improved on sites located in an~~
38 ~~existing manufactured home park or subdivision, unless on a site where substantial damage as~~
39 ~~result of flooding has occurred, shall be elevated such that either the:~~

- 40 ~~A. Bottom of the frame of the manufactured home is at or above the elevation required in~~
41 ~~the Florida Building Code, Residential Section R322.2 (Zone A); or~~

1 ~~B. Bottom of the frame is supported by reinforced piers or other foundation elements of at~~
2 ~~least equivalent strength that are not less than 48 inches in height above grade.~~

3 **Sec. ~~5-71~~ ~~5-73~~. Enclosures.**

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

6 **Sec. ~~5-72~~ ~~5-74~~. Utility equipment.**

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

10 **Sec. 5-73 – Sec 5-74. Reserved.**

11 **Sec. 5-75. Temporary placement (recreational vehicles).**

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

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

18 **Sec. 5-76. Permanent placement (recreational vehicles).**

19 Recreational vehicles and park trailers that do not meet the limitations in this article for
20 temporary placement shall meet the requirements of Sections 5-67 through 5-72 of this article for
21 manufactured homes.

22 **Sec. 5-77. Underground tanks.**

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

26 **Sec. 5-78. Above-ground tanks, not elevated.**

27 Above-ground tanks that do not meet the elevation requirements of Section 5-79 of this
28 article shall be permitted in flood hazard areas provided the tanks are anchored or otherwise
29 designed and constructed to prevent flotation, collapse or lateral movement resulting from
30 hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of
31 buoyancy assuming the tank is empty and the effects of flood-borne debris.

32 **Sec. 5-79. Above-ground tanks, elevated.**

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

37 **Sec. 5-80. Tank inlets and vents.**

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

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

6 **Sec. 5-81. General requirements for other development.**

7 All development, including man-made changes to improved or unimproved real estate for

8 which specific provisions are not specified in this article or the Florida Building Code, shall:

- 9 A. Be located and constructed to minimize flood damage;
- 10 B. Meet the limitations of Section 5-65 of this article if located in a regulated floodway;
- 11 C. Be anchored to prevent flotation, collapse or lateral movement resulting from
- 12 hydrostatic loads, including the effects of buoyancy, during conditions of the design
- 13 flood;
- 14 D. Be constructed of flood damage-resistant materials; and
- 15 E. Have mechanical, plumbing, and electrical systems above the design flood elevation
- 16 or meet the requirements of ASCE 24, except that minimum electric service required
- 17 to address life safety and electric code requirements is permitted below the design
- 18 flood elevation provided it conforms to the provisions of the electrical part of the
- 19 building code for wet locations.

20 **Sec. 5-82. Fences in regulated floodways.**

21 Fences in regulated floodways that have the potential to block the passage of floodwaters,

22 such as stockade fences and wire mesh fences, shall meet the limitations of Section 5-65 of this

23 article.

24 **Sec. 5-83. Retaining walls, sidewalks and driveways in regulated floodways.**

25 Retaining walls, sidewalks and driveways that involve the placement of fill in regulated

26 floodways shall meet the limitations of Section 5-65 of this article.

27 **Sec. 5-84. Roads and watercourse crossings in regulated floodways.**

28 Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings

29 and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other

30 side, that encroach into regulated floodways shall meet the limitations of section 5-65 of this

31 article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the

32 requirements of Section 5-65 of this article.

33 **Sec. 5-85. Technical amendments to the Florida Building Codes.**

34 Buildings and structures in flood hazard areas, shall not have the finished ground level of

35 an under-floor space or crawl space below grade on all sides.

36 ~~A. *Florida Building Code, Residential*: The following amendments to the Florida Building Code,~~

37 ~~*Residential are hereby adopted:*~~

38 ~~*R322.2.1 Elevation requirements:*~~

1 ~~1. Buildings and structures in flood hazard areas not designated as Coastal A Zones~~
2 ~~shall have the lowest floors elevated to or above the base flood elevation plus 1~~
3 ~~foot or the design flood elevation, whichever is higher.~~

4 ~~2. Reserved.~~

5 ~~3. In areas of shallow flooding (AO Zones), buildings and structures shall have the~~
6 ~~lowest floor (including basement) elevated at least as high above the highest~~
7 ~~adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or~~
8 ~~at least 3 feet if a depth number is not specified.~~

9 ~~4. Basement floors that are below grade on all sides shall be elevated to or above the~~
10 ~~base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~

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

13 ~~R408.7 Flood resistance: For buildings located in flood hazard areas as established in Table~~
14 ~~R301.2(1):~~

15 ~~1. Walls enclosing the under-floor space shall be provided with flood openings in~~
16 ~~accordance with Section R322.2.2.~~

17 ~~2. The finished ground level of the under-floor space shall be equal to or higher than~~
18 ~~the outside finished ground level on at least one side.~~

19 ~~B. Florida Building Code, Building: The following amendments to the Florida Building Code,~~
20 ~~Building are hereby adopted:~~

21 ~~1805.1.2.1 Flood hazard areas: For buildings and structures in flood hazard areas as~~
22 ~~established in Section 1612.3, the finished ground level of an under-floor space such as a~~
23 ~~crawl space shall be equal to or higher than the outside finished ground level on at least~~
24 ~~one side.~~

25
26 **SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance
27 conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance,
28 Resolution, or Municipal Code provision, in that event the provisions of this Ordinance shall prevail
29 to the extent of such conflict.

30
31 **SECTION 3.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance
32 be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the
33 validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared
34 to be invalid.

35
36 **SECTION 4.** This Ordinance shall become effective upon adoption by the Village Council
37 following second reading.

38
39
40 *The remainder of this page is intentionally left blank.*
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46

1 **PASSED** this ____ day of _____ 2024, upon first reading.

2
3 **PASSED AND ADOPTED** this __ day of _____, 2024, on second and final reading.

	WELLINGTON	FOR	AGAINST
8 BY: _____	Michael J. Napoleone, Mayor	_____	_____
12 _____	John T. McGovern, Vice Mayor	_____	_____
16 _____	Tanya Siskind, Councilwoman	_____	_____
20 _____	Maria Antuña Councilwoman	_____	_____
24 _____	Amanda Silvestri, Councilwoman	_____	_____

26
27 **ATTEST:**

28
29
30 BY: _____
31 Chevelle D. Hall, MMC, Village Clerk

32
33
34 **APPROVED AS TO FORM AND**
35 **LEGAL SUFFICIENCY**

36
37
38 BY: _____
39 Laurie Cohen, Village Attorney

40