



**RETURN TO:
CITY OF ST. CLOUD
DEPT OF PLANNING AND ZONING
1300 9TH STREET
ST. CLOUD, FL 34769**

ORDINANCE NO. 2020-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA AMENDING ARTICLE III, DIVISION 20, SECTION 3.20.2 “FENCES, WALLS AND HEDGES”, AND ARTICLE III, DIVISION 20, SECTION 3.20.21 “FLOOD DAMAGE PREVENTION”, OF THE LAND DEVELOPMENT CODE, PROVIDING FOR HIGHER STANDARDS TO THE CITY’S NATIONAL FLOOD INSURANCE PROGRAM’S COMMUNITY RATING SYSTEM, AND TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AN EFFECTIVE DATE, AND AN EFFECTIVE DATE.

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

WHEREAS, the City Council is adopting additional requirements for flood damage prevention for buildings and structures in flood hazard areas for the purpose of participating in the National Flood Insurance Program’s Community Rating System within the City’s Land Development Code and, pursuant to section 553.73(5), Florida Statutes, is formatting those requirements to coordinate with the Florida Building Code; and

WHEREAS, the City Council is adopting a requirement to limit the size of enclosures below elevated dwellings and increase the minimum elevation requirements for buildings and structures in flood hazard areas and, pursuant to section 553.73(5), Florida Statutes, is formatting that requirement to coordinate with the Florida Building Code; and

WHEREAS, the City Council of the City of St. Cloud, Florida has determined that it is in the public interest to adopt the proposed local technical amendments to the Florida Building Code and the proposed amendments are not more stringent to the Florida Building Code and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or constructions techniques of demonstrated capabilities, are in compliance with section 553.73(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ST. CLOUD, FLORIDA, as follows:

SECTION I

Article III, Division 20, Section 2 - “Fences, walls and hedges” of the Land Development Code of the City of St. Cloud is hereby amended as follows (note strikethrough indicates removed words and underlined indicates added):

DIVISION 20. - SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 3.20.2. - Fences, walls and hedges.

A. General Regulations.

1. In all districts, the height of fences, walls and hedges shall be measured from the finished lot grade. A reasonable allowance shall be made for minor rises and falls in ground level, as determined by the city manager or his designee.
2. Fences, walls and hedges shall not be permitted in regulated floodways unless the floodway encroachment analysis required in Section 3.20.21.F.3.a demonstrates that the proposed development or land distributing activity will not result in any increase in the base flood elevation. Fences in regulated floodways that have the potential to block the passage of floodwaters shall meet the limitations of Section 3.20.21.K.4.
3. No permit of any fence shall be issued if the construction or location of said fence would create an unreasonable obstruction that would block, redirect or impede the natural drainage flow of the site(s). Fences located within or across drainage swales shall be a minimum of 3 inches above grade, with the exception of upright posts or bars.

SECTION II

Article III, Division 20, Section 21 - "Flood Damage Prevention" of the Land Development Code of the City of St. Cloud is hereby amended as follows (note strikethrough indicates removed words and underlined indicates added):

DIVISION 20. - SUPPLEMENTAL DISTRICT REGULATIONS

Sec. 3.20.21. - Flood Damage Prevention.

C. Applicability.

1. *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
2. *Areas to which this section applies.* This section shall apply to all flood hazard areas within the City of St. Cloud as established in this section.
3. *Basis for establishing flood hazard areas.* The flood insurance study for Osceola County, Florida, and incorporated areas dated June 18, 2013, 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 in the public services offices.
4. *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
 - a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the Florida Building Code.

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

5. *Minimum elevation.* The lowest floor elevation for all new or substantial improved buildings or structures in the special flood hazard areas shall be a minimum of 2 feet (24 inches) above the base flood elevation. Utility equipment that serves new or substantial improved buildings or structures in special flood hazard areas, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall be not less than 2 feet (24 inches) above the base flood elevation, and shall comply with the requirements of the Florida Building Code.

6. *Other laws.* The provisions of this section shall not be deemed to nullify any provisions of local, state or federal law.

7. *Abrogation and greater restrictions.* This section supersedes any section in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing sections, including, but not limited to, land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this section and any other section, the more restrictive shall govern. This section shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this section.

8. *Interpretation.* In the interpretation and application of this section, all provisions shall be:
- a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.

L. *Manufactured Homes.*

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

2. *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this section.

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

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

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

6. *Utility Equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall be

not less than 2 feet (24 inches) above the base flood elevation, and shall comply with the requirements of the Florida Building Code, Residential Section R322.

SECTION III

Article II, Section 10-34 - "Local administrative amendments to the Florida Building Code" of the Code of Ordinances is hereby repealed.

SECTION IV

Article II, Section 10-34 - "Local technical amendments to the Florida Building Code" of the Code of Ordinances is adopted as follows (note strikethrough indicates removed words and underlined indicates added):

- a. Section 1612.4 is hereby amended by the following technical amendments to the Florida Building Code, Building (note strikethrough indicates removed words and underlined indicates added):

1612.4.3 Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 2 feet (610 mm), whichever is higher.

1612.4.4 Additional requirements for enclosed areas. In addition to the requirements of ASCE 24, enclosed areas below the lowest floor elevation shall be not more than 299 square feet in area.

- b. Section R322 is hereby amended by the following technical amendments to the Florida Building Code, Residential (note strikethrough indicates removed words and underlined indicates added):

R322.1.6 Protection of mechanical, plumbing and electrical systems. Electrical systems, equipment and components; heating, ventilating, air conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall be located at or above the base flood elevation plus 2 feet and shall follow the requirements in Section R322.2 or R322.3. If replaced as part of a substantial improvement, electrical systems, equipment and components; heating, ventilating, air conditioning and plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall meet the requirements of this section. Systems, fixtures, and equipment and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

Exception: Locating electrical systems, equipment and components; heating, ventilating, air conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment is permitted below the elevation required in Section R322.2 or R322.3 provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation in accordance with ASCE 24. Electrical wiring systems are permitted to be located below the required elevation provided that they conform to the provisions of the electrical part of this code for wet locations.

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas, not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 2 feet or the design flood elevation, whichever is higher.
3. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 2 feet or the design flood elevation, whichever is higher.

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

R322.2.2 Enclosed area below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage.
2. Be provided with flood openings that meet the following criteria and are installed in accordance with Section R322.2.2.1:
 - 2.1. The total net area of non-engineered openings shall be not less than 1 square inch (645 mm²) for each square foot (0.093 m²) of enclosed area where the enclosed area is measured on the exterior of the enclosure walls, or the openings shall be designed as engineered openings and the construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 2.7.2.2 of ASCE 24.
 - 2.2. Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.
 - 2.5. The presence of louvers, blades, screens and faceplates or other covers and devices shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
 - 1.6. Openings installed in doors and windows, that meet requirements 2.1 through 2.5, are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.
3. Be not more than 299 square feet in area, except for crawlspace foundations that have a wall height no more than 5 feet (60 inches).

SECTION V FISCAL IMPACT STATEMENT.

In terms of design, plan applicability review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because of all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION VI SEVERABILITY.

It is declared to be the intent of the City Council that, if any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a 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 VII CONFLICTS.

This action supersedes all codes and ordinances of the City or parts of, in conflict with this ordinance, to the extent of the conflict.

SECTION VIII CODIFICATION.

Sections I and II of this Ordinance shall be codified in the Code of St. Cloud. The codifier is authorized to make editorial changes not affecting the substance of this ordinance in the substitution of "article" for "ordinance," "section" for "paragraph," or otherwise take such editorial license.

SECTION IX SCRIVENER'S ERRORS.

The City Clerk, after consultation with the City Attorney, is authorized to correct scrivener's errors found by filing a corrected copy of this ordinance in the official records of the City.

SECTION X EFFECTIVE DATE.

This ordinance has been published and shall take effect as provided by law.

First Reading on the 10th day of September, 2020

Second Reading and Final Passage on the 24th day of September, 2020



Nathan Blackwell, Mayor

ATTEST:



Linda P. Jaworski, City Clerk

LEGAL IN FORM AND VALID IF ADOPTED:

de Beaubien, Knight, Simmons, Mantzaris & Neal



Daniel F. Mantzaris, City Attorney

Pursuant to Section 695.26 (3) (f), this instrument exempt from Chapter 695, F.S.: Prepared by and return to a Public Official: City Manager, City of St. Cloud, 1300 9th Street, St. Cloud, Florida 34769.