

ORDINANCE No. 04-2021

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING ARTICLE IX OF CHAPTER 60 OF THE LAKE PARK CODE OF ORDINANCES RELATED TO FLOODPLAIN MANAGEMENT STANDARDS FOR MANUFACTURED HOMES AND PROVIDING FOR IDENTICAL ELEVATION STANDARDS; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, the Town of Lake Park was accepted for participation in the National Flood Insurance Program on September 15, 1978 and the Town Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the Town Commission has determined that it is in the public interest to adopt the proposed floodplain management regulation amendment.

NOW, THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Lake Park that the following floodplain management regulation is hereby adopted.

SECTION 1. RECITALS.

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

SECTION 2. The Town Commission hereby amends Article IX of Chapter 60 of the Code of Ordinances of the Town of Lake Park, Florida, entitled "Definitions" to delete the following definitions:

~~**Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 15, 1978.~~

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

~~**New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 15, 1978.~~

Section 3. The Town Commission hereby amends Section 60-107, Article XIII of Chapter 60 of the Code of Ordinances of the Town of Lake Park, Florida, as follows:

Sec. 60-107. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- (1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this Chapter. Foundations for manufactured homes subject to Section 60-111 of this Chapter are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
- (2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this Chapter.

Section 4. The Town Commission hereby amends Section 60-109, Article XII of Chapter 60 of the Code of Ordinances of the Town of Lake Park, Florida, as follows:

~~Sec. 60-109. Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 60-110 or 111 of this Chapter, as applicable.~~

~~All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone).~~

~~**Section 5.** The Town Commission hereby amends Sections 110-113, Article XII of Chapter 60 of the Code of Ordinances of the Town of Lake Park, Florida, by deleting sections 110 and 111, and renumbering sections 112, 113 as 110 and 111, and reserving sections 60-112 and 60-113 together with sections 60-114 and 60-115, as follows:~~

~~**Sec. 60-110. General elevation requirement.** Unless subject to the requirements of Section 60-111 of this Chapter, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).~~

~~**Sec. 60-111. Elevation requirement for certain existing manufactured home parks and subdivisions.** Manufactured homes that are not subject to Section 60-110 of this Chapter, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

- ~~(1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~
- ~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

~~**Sec. 60-1102. Enclosures.** Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.~~

~~**Sec. 60-1113. Utility equipment.** Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.~~

SECTION 5. CODIFICATION

The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 6. REPEAL OF LAWS IN CONFLICT.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. SEVERABILITY.

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

SECTION 8. EFFECTIVE DATE.

This ordinance shall take effect immediately upon its execution.

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Upon First Reading this 5 day of May, 2021, the foregoing Ordinance was offered by Commissioner Michaud, who moved its approval. The motion was seconded by Commissioner Linden and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>Absent</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 9 DAY OF May, 2021

Upon Second Reading this 19 day of May, 2021, the foregoing Ordinance, was offered by Commissioner Michaud, who moved its adoption. The motion was seconded by Commissioner Linden and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER JOHN LINDEN	<u>/</u>	_____
COMMISSIONER ROGER MICHAUD	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 04-2021 duly passed and adopted this 19 day of May, 2021.

TOWN OF LAKE PARK, FLORIDA


BY: 
Mayor, Michael O'Rourke

ATTEST:


Town Clerk, Vivian Mendez

(Town Seal)

Approved as to form and legal sufficiency:


Town Attorney, Thomas J. Baird

**LEGAL NOTICE OF
PROPOSED ORDINANCE
TOWN OF LAKE PARK**

Please take notice that on Wednesday, May 19, 2021 at 6:30 p.m., or soon thereafter the Town Commission, of the Town of Lake Park, Florida to be held at 3203 Park Avenue, Lake Park, Florida 32003 will consider the following Ordinance on second reading and proposed adoption thereof:

ORDINANCE 02-2021

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING ARTICLE III OF CHAPTER 74 OF THE TOWN OF LAKE PARK CODE OF ORDINANCES PERTAINING TO WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAE; PROVIDING FOR THE AMENDMENT OF SECTION 74-62 TO ADD DEFINITIONS FOR SMALL CELL TOWERS OR FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION AND; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 04-2021

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING ARTICLE IX OF CHAPTER 60 OF THE LAKE PARK CODE OF ORDINANCES RELATED TO FLOODPLAIN MANAGEMENT STANDARDS FOR MANUFACTURED HOMES AND PROVIDING FOR IDENTICAL ELEVATION STANDARDS; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, MMC, Town Clerk
Town of Lake Park, Florida

5-9/2021 0000540898-01