Town of Lake Hamilton

Planning Commission Meeting Agenda – September 9, 2026

Time: 5:30 P.M.
Location: Town Council Chambers
100 Smith Avenue

Dennis Collier, Chair
John DeShane, Vice Chair
Randi Golemme, Member
Ronald Barawskas, Member
Howard Cone, Member

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. BUSINESS

A. November 12, 2025, Planning Commission Workshop minutes

B. March 11, 2026, Planning Commission Meeting minutes

C. Ordinance O-2026-XX: an applicant-initiated request amending the Comprehensive Plan of a portion of one (1) parcel comprising +/- 2.75 acres (parcel identification numbers: 272821-834515-000110, generally located 515 feet south of the intersection of Hatchineha and Detour Roads on the west side of Detour Road from Residential Lands – 5 to Commercial Services.

D. Ordinance O-2026-XX: an applicant-initiated request amending the zoning classification of a portion of one (1) parcel comprising +/- 2.75 acres (parcel identification numbers: 272821-834515-000110, generally located 515 feet south of the intersection of Hatchineha and Detour Roads on the west side of Detour Road from R-5 Single Family Modular to C-1 Highway Commercial Zoning District (C-1).

E. ORDINANCE O-2026-6: AN ORDINANCE OF THE TOWN COUNCIL OF LAKE HAMILTON AMENDING THE CODE OF ORDINANCES, CHAPTER 16 LAND DEVELOPMENT CODE, ARTICLE VII DEVELOPMENT IN FLOOD-PRONE AREAS, TO CORRECT CROSS-REFERENCES, AMEND THE DESIGNATED POSITION OF THE FLOODPLAIN ADMINISTRATOR, AND AMEND THE DEFINITION OF MARKET VALUE FOR THE PURPOSE OF FLOODPLAIN MANAGEMENT; PROVIDING FOR CLARITY; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

F. Ordinance O-2026-XX: an applicant-initiated request amending the Comprehensive Plan of the Town of Lake Hamilton for a 4 +/- acre parcel of land located on the East Side of Roberts Road 1245 feet East of the intersection of Highway 27 and Kokomo Road (Parcel ID Numbers 272808-821701-000100 and Part of 272808-821701-000011) from Agriculture Lands and Conservation to Industrial-Light.

G. Ordinance O-2026-XX: an applicant-initiated request amending the zoning classification of a 4 +/- acre parcel of land (Parcel ID #s 272808-821701-000100 and Part of 272808-821701-000011) generally located on the East Side of Roberts Road 1245 feet east of the intersection of Highway 27 and Kokomo Road from Agriculture (AG) and Conservation (CON) to Industrial Zoning (M-1)

ADJOURNMENT

ATTN: PERSONS WITH DISABILITIES. In accordance with the American with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding, please contact the Town Clerks Office at 863-439-1910, at least forty-eight (48) hours prior to the meeting, provide a written request to the Office of the Town Clerk. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1 or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice).

4.A

Town of Lake Hamilton
Planning Commission
Agenda Summary Report

TO:

THROUGH:

FROM:

AGENDA ITEM: November 12, 2025, Planning Commission Workshop minutes

DATE: September 9, 2026

SUMMARY & RECOMMENDATION:

CONSENT AGENDA ☐ **OLD BUSINESS** ☐ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☐ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☐

If Yes, Please Explain:

RECOMMENDATION:

ATTACHMENT(S):
November 12, 2025 Planning Commission Workshop minutes.pdf

TOWN OF LAKE HAMILTON MINUTES
PLANNING COMMISSION MEETING
WEDNESDAY, NOVEMBER 12, 2025 5:30 PM

The Planning Commission of Lake Hamilton held a Planning Commission Meeting on Wednesday, November 12, 2025, at 100 Smith Ave., Lake Hamilton, FL 33851.

CALL TO ORDER

The Chair Collier called the meeting to order at 5:34 pm.

PLEDGE OF ALLEGIANCE

Led by all.

ROLL CALL

Collier, Golemme, were present. Cone was absent.

BUSINESS

Discussion of proposed updates to the Evaluation and Appraisal Report (EAR).
Community Development Director Ball introduced Jennifer from the Central Florida Regional Planning Council.
Jennifer presented the Evaluation and Appraisal report to the board.
The board discussed.
Charlotte Rebush commented.
Joshua Collier commented.

ADJOURNMENT

The Chair adjourned the meeting at 6:37 pm

ATTN: PERSONS WITH DISABILITIES. In accordance with the American with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding, please contact the Town Clerks Office at 863-439- 1910, at least forty- eight (48) hours prior to the meeting, provide a written request to the Office of the Town Clerk. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1 or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice).

ATTEST:

_____
Gavin Rollins, Town Attorney

_____
Jacqueline Borja, Town Clerk

_____
Dennis Collier, Chair

4.B

Town of Lake Hamilton
Planning Commission
Agenda Summary Report

TO:

THROUGH:

FROM:

AGENDA ITEM: March 11, 2026, Planning Commission Meeting minutes

DATE: September 9, 2026

SUMMARY & RECOMMENDATION:

CONSENT AGENDA ☐ **OLD BUSINESS** ☐ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☐ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☐

If Yes, Please Explain:

RECOMMENDATION:

ATTACHMENT(S):
March 11, 2026 Planning Commission meeting minutes.pdf

TOWN OF LAKE HAMILTON MINUTES
PLANNING COMMISSION MEETING
WEDNESDAY, MARCH 11, 2026 5:30 PM

The Planning Commission of Lake Hamilton held a Planning Commission Meeting on Wednesday, March 11, 2026, at 100 Smith Ave., Lake Hamilton, FL 33851.

CALL TO ORDER

The Chair Collier called the meeting to order at 5:30 pm.

PLEDGE OF ALLEGIANCE

Led by all.

ROLL CALL

Collier, DeShane, Pence, Golemme, and Barawskas were present.

BUSINESS

January 14, 2026, Planning Commission meeting minutes

Motion made by DeShane and a second by Pence to approve January 14, 2026, Planning Commission meeting minutes.
A roll call vote was taken. Collier aye, DeShane aye and Pence aye, . **Motion passed 3-0.**

Ordinance O-2026-XX: an applicant-initiated amendment amending the future land use

classification of one (1) parcel comprising +/-11.16 acres (parcel identification number: portion of 272817-000000-011030, generally located along the south side of Kokomo Road, approximately 400 ft. east of US 27 from Town Agricultural Lands (AG) to Town Commercial Service (CS).
Community Development Director Ball read the Ordinance for the record and presented it. The representative of Kokomo Grove Tim Campbell was present to answer questions.
The board discussed.

Due to health issues the Chair had to be excused and called for a 10-minute recess.

At 6:10 pm Board Member Randy Golemme arrived.

The Tim Campbell continued the presentation.
The hearing was opened for public comments.
No Public comments were made; hearing closed.

Board Member Ronald Barawskas arrived at 6:14 pm.

Motion made by Pence and a second by Golemme to recommend for approval Ordinance O-2026-XX: an applicant-initiated amendment amending the future land use classification of one (1) parcel comprising +/ -11.16 acres (parcel identification number: portion of 272817- 000000-011030, generally located along the south side of Kokomo Road, approximately 400 ft. east of US 27 from Town Agricultural Lands (AG) to Town Commercial Service (CS).
A roll call vote was taken. DeShane aye, Pence aye, Golemme aye, and Barawskas aye. **Motion passed 4-0.**

Ordinance O-2026 -XX; an applicant-initiated request amending the zoning classification of a parcel comprising +/-11.16 acres (parcel identification number: portion of (272817-000000-011030), generally located along the south side of Kokomo Road, approximately 400 ft. East of US 27, from Town Agricultural (AG) to Town Highway Commercial (C-1).
Community Development Director Ball read the Ordinance for the record and presented it.
The representative of Kokomo Grove Tim Campbell was present to answer questions.
The board discussed.
The hearing was opened for public comments.
Howard Cone commented.

Motion made by Pence and a second by Barawskas to recommend for approval Ordinance O-2026-XX; an applicant-initiated request amending the zoning classification of a parcel comprising +/-11.16 acres (parcel identification number: portion of (272817- 000000-011030), generally located along the south side of Kokomo Road, approximately 400 ft. East of US 27, from Town Agricultural (AG) to Town Highway Commercial (C-1).
A roll call vote was taken. DeShane aye, Pence aye, Golemme aye, and Barawskas aye. **Motion passed 4-0.**

Ordinance O-2026 -XX: an applicant-initiated request amending the future land use classification of a portion of one (1) parcel comprising +/-35.08 acres (parcel identification number: portion of 272817-000000-011030, generally located along the south side of Kokomo Road, approximately 700 ft. East of US 27 from Town Agricultural Lands (AG) to Town Residential Lands 5 (Res-5). Community Development Director Ball read the Ordinance for the record and presented the item. The board discussed.
Steve Solang with the engineer firm working with Kokomo Grove commented.
The Vice Chair opened the hearing for public comments.
Victor Sikes commented
Howard Cone commented.
Public Hearing was closed.

Motion made by Barawskas and a second by Golemme to deny Ordinance O-2026-XX: an applicant - initiated request amending the future land use classification of a portion of one (1) parcel comprising +/-35. 08 acres (parcel identification number: portion of 272817-000000- 011030, generally located along the south side of Kokomo Road, approximately 700 ft. East of US 27 from Town Agricultural Lands (AG) to Town Residential Lands 5 (Res- 5) . The board denies because they considered there is too many permits issued and the town is not in a position to add more homes.
A roll call vote was taken. DeShane aye, Pence aye, Golemme aye, and Barawskas aye. **Motion passed 4-0.**

Ordinance O-2026-XX: an applicant -initiated request amending the zoning classification of a portion of one (1) parcel comprising +/-39.92 acres (parcel identification numbers: (portion of 272817-000000-011030) and parcel 272817-0000000 -11010, generally located along the south side of Kokomo Road, approximately 700 ft. East of US 27 from Agricultural Lands (AG) to PUD. Community Development Director Ball read the Ordinance for the record and presented the item. The board discussed.
The hearing was opened for public comments.
No public comments were made; the hearing was closed.
Motion made by Golemme and a second by Barawskas to deny Ordinance O-2026-XX: an applicant-initiated request amending the zoning classification of a portion of one (1) parcel comprising +/-39.92

acres (parcel identification numbers: (portion of 272817-000000 -011030) and parcel 272817-0000000-11010, generally located along the south side of Kokomo Road, approximately 700 ft. East of US 27 from Agricultural Lands (AG) to PUD. The board recommendation to deny was due to too much density for the town.
A roll call vote was taken. DeShane aye, Pence aye, Golemme aye, and Barawskas aye. **Motion passed 4-0.**

ADJOURNMENT
The Vice Chair adjourned the meeting at 8:16 pm.

ATTN: PERSONS WITH DISABILITIES. In accordance with the American with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding, please contact the Town Clerks Office at 863-439- 1910, at least forty- eight (48) hours prior to the meeting, provide a written request to the Office of the Town Clerk. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1 or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice).

ATTEST:

_____
Gavin Rollins, Town Attorney

_____
Jacqueline Borja, Town Clerk

_____
Brittney Sandoval, Town Administrator

Town of Lake Hamilton
Planning Commission
Agenda Summary Report

TO: Planning Commission

THROUGH:

FROM: Jonah Katz, CD Director

AGENDA ITEM:
Ordinance O-2026-XX: an applicant-initiated request amending the Comprehensive Plan of a portion of one (1) parcel comprising +/- 2.75 acres (parcel identification numbers: 272821-834515-000110, generally located 515 feet south of the intersection of Hatchineha and Detour Roads on the west side of Detour Road from Residential Lands – 5 to Commercial Services.

DATE: September 9, 2026

SUMMARY & RECOMMENDATION:

The applicant is requesting a comprehensive plan amendment to change the future land use map classification from Residential Lands – 5 (RES-5.0) to Commercial-Service (CS). The applicant has a companion rezoning request for the same area, requesting a change from R-5 to C-1. The attached staff report provides an analysis of the request. Planning Commission may consider the request and make a recommendation of approval or denial to the Town Council based on whether it is consistent with the Comprehensive Plan and compatible with the surrounding area.

CONSENT AGENDA ☐ **OLD BUSINESS** ☒ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

ATTACHMENT(S):
Ordinance_O-2026-XX_-_Land_Use_LH_Self_Parking_and_Storage (2).pdf
Diaz Detour Commercial FLU Staff Report_minorrev.pdf

ORDINANCE O-2026-XX

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP CLASSIFICATION FROM RESIDENTIAL LANDS – 5 TO COMMERCIAL SERVICES FOR A 2.75 ACRE PARCEL OF LAND LOCATED ON THE WEST SIDE OF DETOUR ROAD 515 FEET SOUTH OF THE INTERSECTION OF DETOUR ROAD AND HATCHINEHA ROAD; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA COMMERCE FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR REPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIBENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 through 163.3215, Florida Statutes, empowers local governments to adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth; and

WHEREAS, in exercise of its authority the Town Council has determined it necessary to adopt amendments to the Town's Comprehensive Plan, which are attached hereto as **Exhibit "A"** and by this reference made a part hereof, to ensure that the Comprehensive Plan is in full compliance with the laws of the State of Florida; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Town Council has held meetings and hearings on **Ordinance O-2026-XX**, the amendment to the Comprehensive Plan and made a part hereof; and the meetings were advertised and held with due public notice to obtain public comment; and having considered written and oral comments received during public hearings, find the amendment complete and appropriate to the needs of the Town.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The provisions set forth in the recitals of this Ordinance (whereas clauses) are hereby adopted by the Town Council as legislative findings and intent of the Ordinance.

SECTION 2. AMENDMENT TO THE COMPREHENSIVE PLAN. The Town of Lake Hamilton Comprehensive Plan, Future Land Use Map is hereby amended as set forth in Exhibit "A".

SECTION 3. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 4. COPY OF ORDINANCE ON FILE. A copy of this Ordinance shall be kept on file in the office of the Lake Hamilton Town Clerk.

SECTION 5. CONFLICTS WITH OTHER ORDINANCES. That portion of any Ordinance which may be in conflict with this Ordinance is hereby repealed with the adoption of this Ordinance.

SECTION 6. EFFECTIVE DATE. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency, or the Administration Council enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Council, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

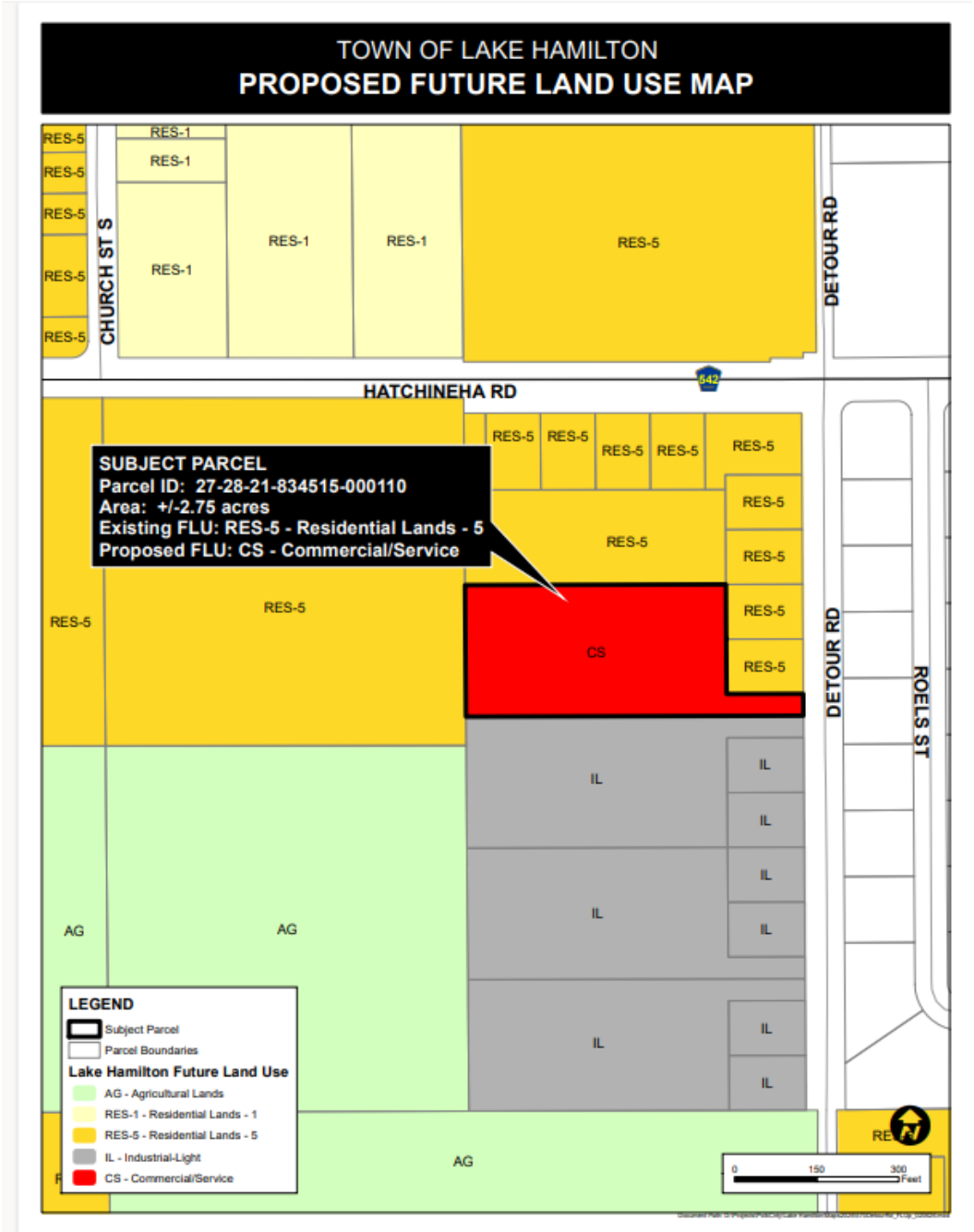
SECTION 7. INCORPORATION INTO COMPREHENSIVE PLAN. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the Town; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Comprehensive Plan is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

Exhibit A

Legal Descriptions: Lake Hamilton Hills Plat Book 152 Page 3, Lots 11

Parcel ID Numbers: 272821-834515-000110

Future Land Use Map Amendment:



INTRODUCED and PASSED on first reading this 7th day of September, 2026.
PASSED and ADOPTED on second reading this ____ day of _____, 2026.

TOWN OF LAKE HAMILTON, FLORIDA

_____
PHYLLIS HALL, MAYOR

ATTEST:

_____
JAQUELINE BORJA, TOWN CLERK

Approved as to form:

_____
ANTHONY SABITINI, ESQ., TOWN ATTORNEY

Record of Vote	**Yes**	**No**
Mathis		
Ortega		
Collier		
Demanche		
Hall		

Town of Lake Hamilton

Planning Commission

FLU Staff Report

August 12, 2026

TO: LAKE HAMILTON PLANNING COMMISSION

FROM: **Community Development**

SUBJECT: **FUTURE LAND USE MAP AMENDMENT**

Ordinance 2026-xx: An applicant-initiated amendment to the Future Land Use Map of the Town of Lake Hamilton specifically changing the Future Land Use Map designation for a portion of a parcel that totals approximately 2.75 acres, generally located along the West Side of Detour Road 515 Feet South of the Intersection of Detour Road and Hatchineha Road, parcel ID Number 272821-834515-000110 from Residential Land – 5 (R5) to Commercial/Service (CS).

AGENDA & HEARING DATES:

Planning Commission Meeting: Wednesday, August 12th at 5:30 PM
Anticipated Town Council Meeting (First Reading): Tuesday, September 1st at 6:00 PM
Anticipated Town Council Meeting (Second Reading): Tuesday, October 6th at 6:00 PM

Attachments

Location Map Aerial Photo | Existing Future Land Use Map | Proposed Future Land Use Map | Ordinance 2026-xx Lake Hamilton Self Storage

Overview:

APPLICATIONS	
Owner	Carlos Diaz
Agent	JD Salazar – Barrios Engineering
Property Size	± 2.75 Acres
Property Location	Generally located along the West Side of Detour Road 515 Feet South of the Intersection of Detour Road and Hatchineha Road
Parcel ID	272821-834515-000110
Future Land Use: Existing	Town Agricultural Lands (R-5)
Future Land Use: Proposed	Town Commercial/Service (CS)

BACKGROUND AND REASON FOR REQUEST:

The applicant is requesting a Future Land Use change from Residential Lands - 5 (R-5) to Town Commercial/Service (CS). The applicant has a companion rezoning application requesting Town Highway Commercial (C-1) to facilitate a commercial development. Descriptions for both the existing and proposed Future Land Use are provided as follows:

Town of Lake Hamilton Comprehensive Plan, Future Land Use Element, Policy

Existing Future Land Use:

Policy 1.2.5: Residential Lands-5.0 (RES-5.0)

a) **Purpose:**

Identification of areas which are established for a medium-density residential environment of urban character, and which may be utilized for compatible short-term agricultural activities..

b) **Range of Potential Uses:**

Suburban or urban residential uses, short-term agricultural uses, agriculturally-compatible residential uses, public or semi-public uses, and low-intensity recreational uses.

c) **Range of Potential Density/Intensity:**

The maximum gross residential density is 5.0 dwelling units per acre and the maximum floor area ratio for non-residential development shall not exceed 0.25.

Proposed Future Land Use:

Policy 1.2.8: Commercial/Service (CS)

a) **Purpose:**

Identification of areas which are established for commercial uses of a service nature, including highway oriented businesses, and which are restricted in permissive use and/or intensity in direct relationship to their specific location.

b) **Range of Potential Uses:**

Motels, restaurants, curio shops, fruit sales, recreation uses, automotive service stations, automotive sales and service, machinery and equipment assembly and repair, warehousing, and public or semi-public uses.

c) Range of Potential Density/Intensity:

The maximum floor area ratio for non-residential development shall not exceed 0.5.

COMPREHENSIVE PLAN COMPATIBILITY:

This request can be considered to meet Polices 5.1.2, 5.3.2, and 5.3.3 of the Comprehensive Plan. The relevant section of the Comprehensive Plan are excerpted below:

OBJECTIVE 5.1: DESIGNATE AREAS FOR THE DEVELOPMENT OF RETAIL COMMERCIAL AREAS AT LOCATIONS AND INTENSITIES WHICH WILL BE COMPATIBLE WITH THE ESTABLISHED FUNCTIONAL AND AESTHETIC CHARACTER OF THE COMMUNITY.

Policy 5.1.2: Utilize the zoning regulations to establish the grouping and concentration of retail commercial uses at nodal points in the community having immediate access to the major roadway system and to necessary public facilities and services.

OBJECTIVE 5.3: PROHIBIT COMMERCIAL UTILIZATION OF LANDS ILL-SUITED OR NOT FULLY DEMONSTRATED AS NEEDED FOR COMMERCIAL DEVELOPMENT

Policy 5.3.2: Designate land on the zoning map for commercial usage only when an immediate commercial development of said land is proposed.

Policy 5.3.3: Designate land for commercial usage only at locations where commercial development will be consistent with the established land use pattern.

Additional considerations of this proposal's compatibility with the Comprehensive Plan can be made under the following sections:

GOAL 1 (Transportation Element):

IT SHALL BE THE GOAL OF THE TOWN OF LAKE HAMILTON TO PROVIDE A SAFE AND EFFICIENT TRANSPORTATION SYSTEM FOR ALL MODES OF TRAVEL THAT IS FINANCIALLY FEASIBLE, CONSISTENT WITH COMMUNITY NEEDS, AND ENVIRONMENTALLY SOUND.

OBJECTIVE 2.2 (Transportation Element):

COORDINATE ALL EXISTING AND PROPOSED TRANSPORTATION IMPROVEMENTS WITH THE FUTURE LAND USES AS SHOWN ON THE FUTURE LAND USE MAP

OBJECTIVE 3.3 (Transportation Element): THE TOWN SHALL COORDINATE WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, THE POLK TRANSPORTATION

PLANNING ORGANIZATION, AND POLK COUNTY TO ASSURE RIGHT-OF-WAY AVAILABILITY FOR CAPACITY EXPANSION.

Policy 3.3.1: Require minimum structural setbacks for all new development and redevelopment within the Town limits that abuts a State, County, or Town roadway in order to provide right-of-way availability.

Specific impacts to town and regional infrastructure of the development will be measured in more detail upon site plan review and evaluation of the specific uses proposed. It is appropriate at the plan amendment review stage, however, for the Planning Commission and Council to consider the impacts of changing allowable land uses will have on general infrastructure capacities.

Table 1 includes the density/intensity for the amendment to the Future Land Use Map request for the property, the potential change could result in a potential increase of 59,961 sq.ft of non-residential.

Table 1:
Analysis of Impacts from Proposed Future Land Use Map Amendment

	Existing FLU: Residential Lands - 5 11.16 (2.75 acres)	**Proposed FLU: Commercial Service (CS) (2.75 acres)**
Density/Intensity	5 du/ac Non-Residential FAR: .25	FAR 0.5
Density Potential	13.8 Potential DUs	59,961 SF
Difference	No commercial	No residential

The proposed Future Land Use, can be considered compatible with the Comprehensive Plan conditions and can be considered compatible with the surrounding area based on the Future Land Uses assigned to nearby properties within the Town limits. More information is available in the Land Use Analysis located below:

Land Use Analysis:

The subject property is surrounded by properties within the incorporated Town limits to its North, South, and West. The East of the Subject property is unincorporated Polk County lands. The unincorporated Polk County properties have a Future Land Use Designation of A/RR under Polk County's land code and contain single family residences. To the North of the subject property is an existing modular home use, with

Town Residential Lands-5 Future Land Use and R-5 zoning. To the west of the subject property is agricultural lands under a future land use designation of Residential Lands-5 and Planned Unit Development (PUD) zoning. To the South of the subject property is an existing commercial property under the same ownership of the subject property.

The Land Use Matrix below outlines the existing and proposed Future Land Use and zoning of the subject property and the adjacent properties. The proposed Future Land Use and Zoning Maps are also provided for reference.

Land Use Matrix

Northwest	North	Northeast
FLU: Town Residential Lands-5 **ZONING**: PUD **EXISTING USE:** Agricultural	**FLU: Town Residential Lands-5** **ZONING**: R-5 **EXISTING USE:** Modular Home	**FLU: Town Residential Lands-5** **ZONING**: R-5 **EXISTING USE:** Vacant Residential
West	**Subject Property**	**East**
FLU: Town Residential Lands-5 **ZONING**: PUD **EXISTING USE:** Agricultural	**EXISTING FLU:** Residential Lands – 5 **PROPOSED FLU:** Town C/S **EXISTING ZONING:** Town R5 **PROPOSED ZONING:** Town C-1 **EXISTING USE:** Vacant	**FLU: A/RR (Polk County)** **ZONING**: N/A **EXISTING USE:** SFR
Southwest	**South**	**Southeast**
FLU: Town Agricultural Lands **ZONING**: C-1 **EXISTING USE:** Agricultural	**FLU:** Industrial-Light **ZONING**: M-1 **EXISTING USE:** Commercial	**FLU: A/RR (Polk County)** **ZONING**: N/A **EXISTING USE:** SFR

<u>Public Facilities and Services Analysis</u>:

The following is a summary analysis of the potential impacts on existing public facilities and services.

Potable Water

At this time, the Town can provide potable water for the development. A water line exists

along Detour Road. This system currently has sufficient capacity to accommodate the proposed land use change. This statement is not intended to assert that this capacity will be reserved for proposed development on the subject parcel. The town will evaluate the point of connection when the applicant requests potable water service and a point of connection through development review. The owner/developer will be responsible for the cost of any improvements related to the development of the subject property.

Sanitary Sewer

At this time, the Town cannot provide sanitary sewer for the development.

Transportation/Traffic:

The subject property has access to Detour Road, which is maintained by the Town. At this time, a traffic study was not conducted. When specific uses are identified, during a construction plan review, a traffic study will be provided and reviewed.

Trip generation rates for the proposed use for the stie using ITE code 12th edition, anticipates the generation 31 Trips ADT's and 4 peak hr trips. However, the proposed land use could result in a higher generation of trips depending on the final development. A traffic study will take place at the time construction plans are submitted for review.

Schools

The proposed commercial will not impact Polk County schools.

Recreation/Open Space:

There are no requirements for commercial to provide recreation/open space.

Emergency Services:

Emergency services for both City and County-operated facilities are all in close proximity to the subject property. Police, fire, and EMS are located within a 3-mile radius (by car) and travel time without sirens is 6 minutes or less.

- Polk County Fire Rescue – 1.1 Miles ~ 5 minutes
- Lake Hamilton Police Department – 1.1 Miles ~ 5 minutes
- Winter Haven Hospital Emergency Room – 9 miles ~ 22 minutes
- Heart of Florida Davenport Emergency Room – 11.9 miles – 25 minutes

Environmental:

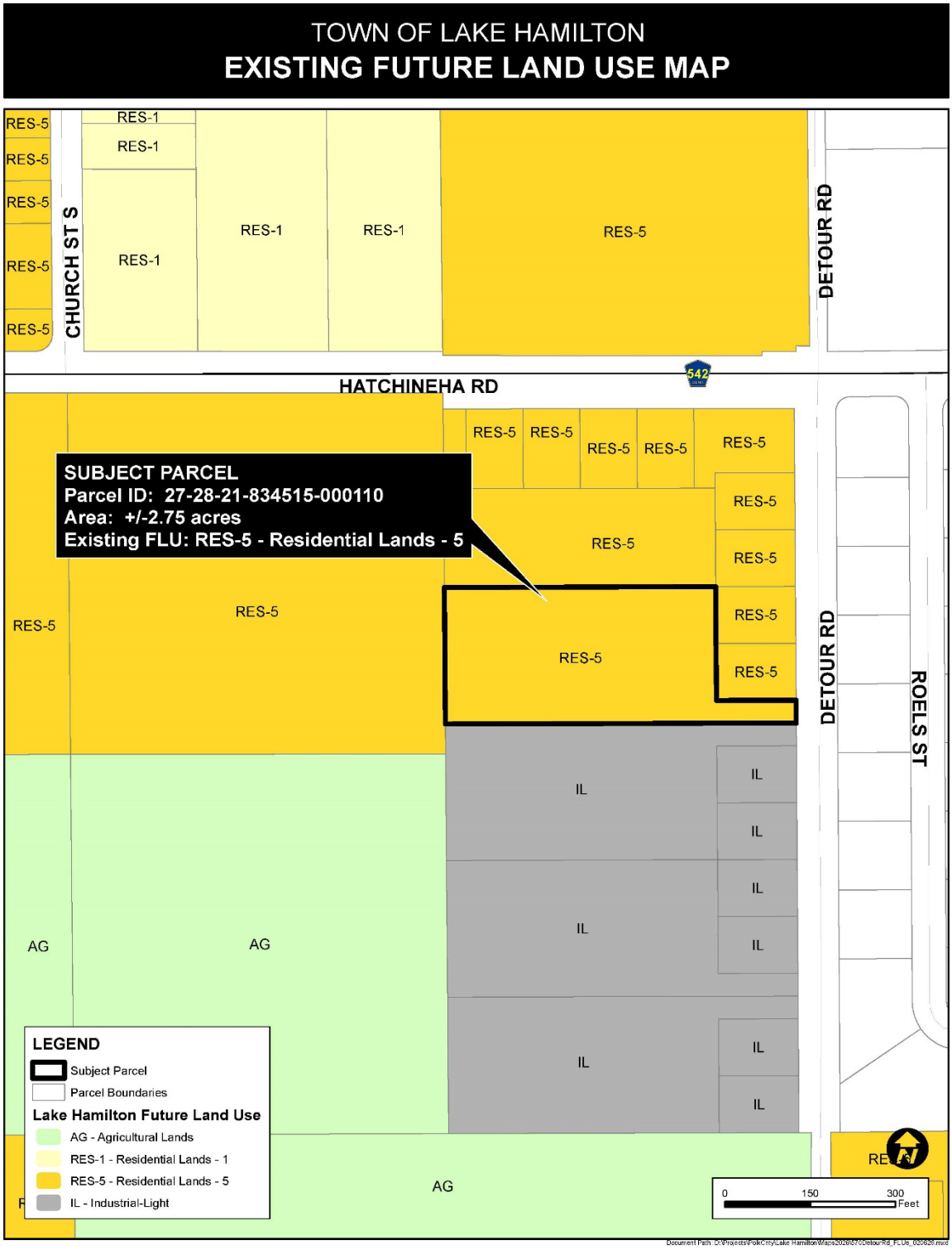
The site does not include wetland or floodplains. The applicant has provided an Environmental Assessment Report for review. No noteworthy observations were identified.

Recommendation:
Planning Commission may consider the request and make a recommendation of approval or denial to the Town Council based on whether it is consistent with the Comprehensive Plan and compatible with the surrounding area.

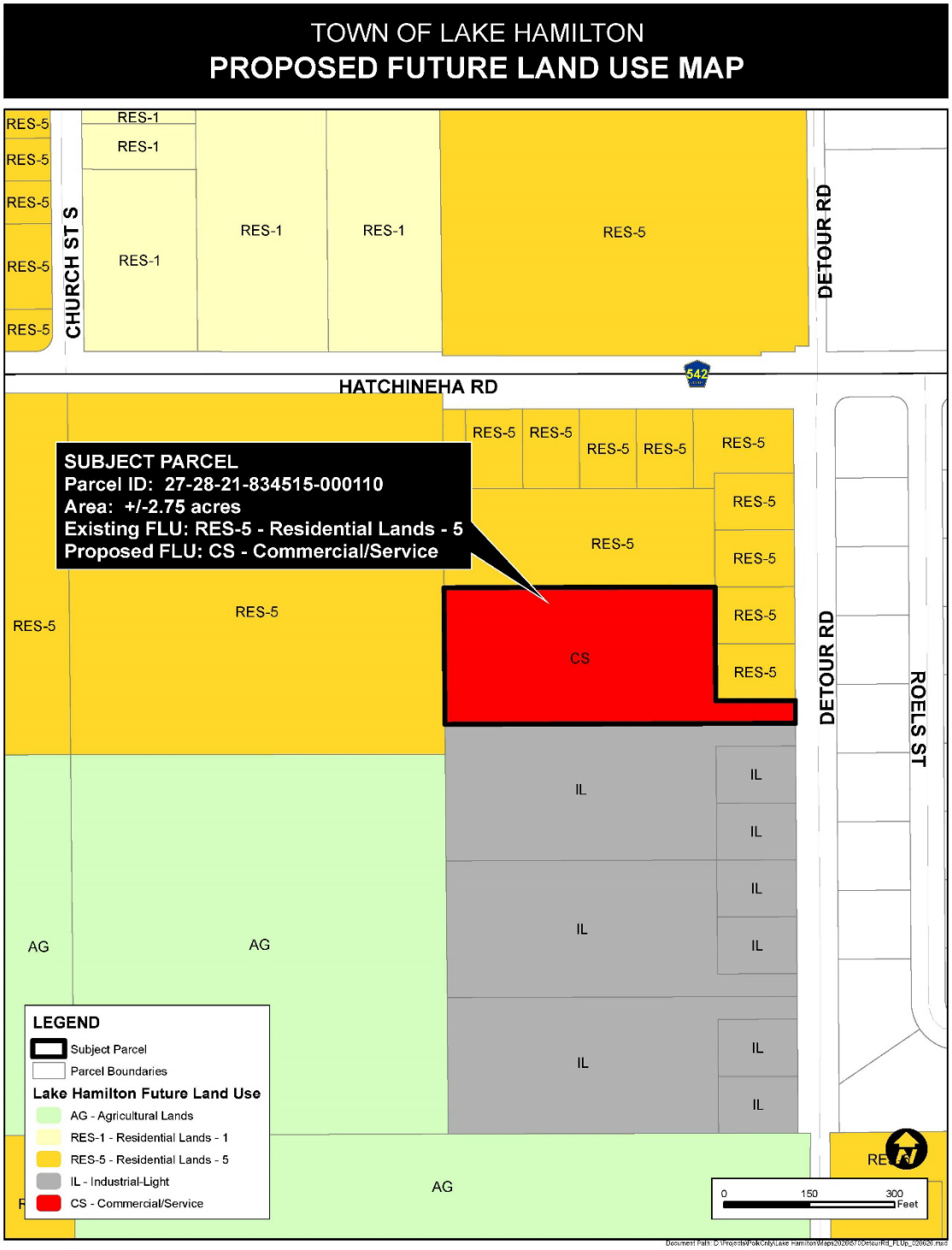
AERIAL MAP
LAKE HAMILTON SELF PARK & STORAGE



EXISTING FLU
LAKE HAMILTON SELF PARK & STORAGE



PROPOSED FLU
LAKE HAMILTON SELF PARK & STORAGE



Town of Lake Hamilton
Planning Commission
Agenda Summary Report

TO: Planning Commission

THROUGH:

FROM: Jonah Katz, CD Director

AGENDA ITEM:
Ordinance O-2026-XX: an applicant-initiated request amending the zoning classification of a portion of one (1) parcel comprising +/- 2.75 acres (parcel identification numbers: 272821-834515-000110, generally located 515 feet south of the intersection of Hatchineha and Detour Roads on the west side of Detour Road from R-5 Single Family Modular to C-1 Highway Commercial Zoning District (C-1).

DATE: September 9, 2026

SUMMARY & RECOMMENDATION:

The applicant is requesting to rezone from R-5 to C-1 to facilitate the development of a commercial development. The applicant has a companion FLU application requesting Commercial Services (CS) designation. The attached staff report provides an analysis of the request. Planning Commission may consider the request and make a recommendation of approval or denial to the Town Council based on whether it is consistent with the Comprehensive Plan and compatible with the surrounding area.

CONSENT AGENDA ☐ **OLD BUSINESS** ☐ **NEW BUSINESS** ☒

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

ATTACHMENT(S):
Ordinance_O-2026-XX_-_Rezoning_LH_Self_Parking_and_Storage.pdf
Diaz Detour Commercial Rezoning Staff Report_minorrev.pdf

ORDINANCE O-2026-XX

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, REZONING A 2.75 ACRE PARCEL OF LAND LOCATED ON THE WEST SIDE OF DETOUR ROAD 515 FEET SOUTH OF THE INTERSECTION OF DETOUR ROAD AND HATCHINEHA ROAD FROM R-5 SINGLE-FAMILTY MODULAR TO C-I HIGHWAY COMMERCIAL ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there has been a request for approval of a rezoning of the property described below; and

WHEREAS, the change will further the general health, safety, and welfare and be a benefit to the Town as a whole; and

WHEREAS, the zoning change requested by the applicant is consistent with the Future Land Use Element of the Lake Hamilton Comprehensive Plan.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:

1. The parcel is located 515 feet south of the intersection of Hatchineha and Detour Roads on the west side of Detour Road as shown on Map "A", which is attached hereto, and consists of a total of approximately 2.75 acres, and is described as follows:

   LAKE HAMILTON HILLS SUBDIVISION, LOTS 11, PLAT BOOK 152, PAGE 3

2. The parcel, as platted and described above, constitutes less than five percent (5%) of the municipally zoned area of the Town.

3. Said property is hereby rezoned from R-5 Single-family Modular Zoning District to C-1 Commercial Zoning District and the regulations of that District contained in the Land Development Code shall govern further public review and development of the property within this District with the following specific conditions:

   a. That any section, paragraph, or portion which may be deemed illegal or unconstitutional shall not affect any other section of this ordinance.

   b. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

   c. This ordinance shall take effect immediately upon adoption after second reading.

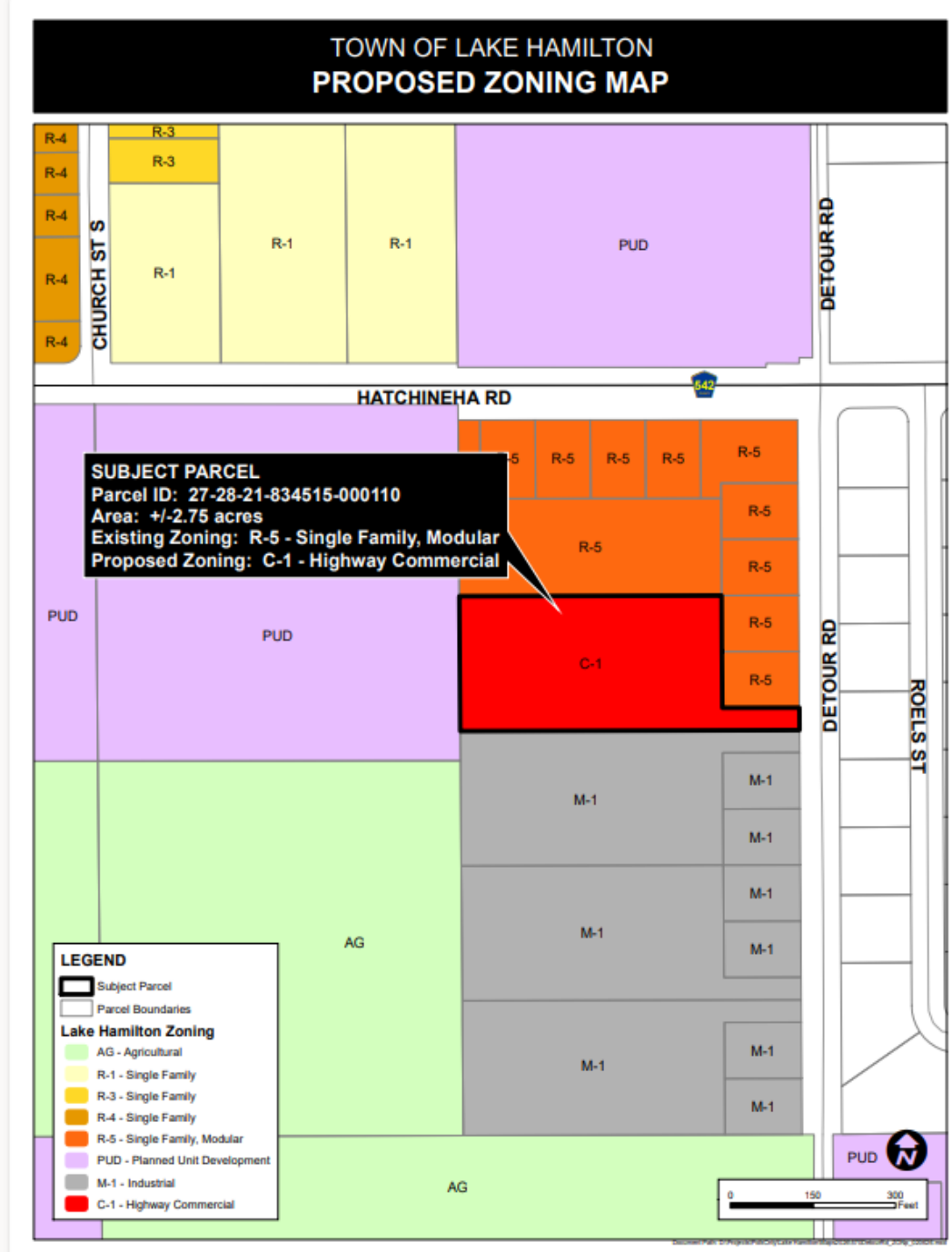
4. A certified copy of this Ordinance, as well as a copy of the Land Development Code shall be located in the Office of the Town Clerk of Lake Hamilton.

MAP A

Legal Descriptions: Lake Hamilton Hills Plat Book 152 Page 3, Lot 11

Parcel ID Numbers: 272821-834515-000110

Future Land Use Map Amendment:



INTRODUCED and PASSED on first reading this 7th day of September, 2026.

PASSED and ADOPTED on second reading this ____ day of _____, 2026.

TOWN OF LAKE HAMILTON, FLORIDA

_____

PHYLLIS HALL, MAYOR

ATTEST:

_____

JAQUELINE BORJA, TOWN CLERK

Approved as to form:

_____

ANTHONY SABITINI, ESQ., TOWN ATTORNEY

Record of Vote	**Yes**	**No**
Mathis		
Ortega		
Collier		
Demanche		
Hall		

Town of Lake Hamilton

Planning Commission

Rezoning Staff Report

August 12, 2026

TO: LAKE HAMILTON PLANNING COMMISSION

FROM: **Community Development Director**

SUBJECT: **Commercial Rezoning**
Ordinance 2026-xx: An applicant-initiated amendment to the Official Zoning Map of the Town of Lake Hamilton specifically changing the zoning of a parcel that totals approximately 2.75 acres, generally located along the West Side of Detour Road 515 Feet South of the Intersection of Detour Road and Hatchineha Road, parcel ID Number 272821-834515-000110. The requesting zoning change is from R-5 Single Family Modular (R-5) to Highway Commercial (C-1).

AGENDA & HEARING DATES:

Planning Commission Meeting: Wednesday, August 12th at 5:30 PM
Anticipated Town Council Meeting (First Reading): Tuesday, September 1st at 6:00 PM
Anticipated Town Council Meeting (Second Reading): Tuesday, October 6th at 6:00 PM

Attachments
Location Map Aerial Photo | Existing Zoning Map | Proposed Zoning Map | Ordinance 2026-xx Lake Hamilton Self Storage

Overview:

APPLICATIONS	
Owner	Carlos Diaz
Agent	JD Salazar – Barrios Engineering
Property Size	± 2.75 Acres
Property Location	Generally located along the West Side of Detour Road 515 Feet South of the Intersection of Detour Road and Hatchineha Road
Parcel ID	272821-834515-000110
Future Land Use: Existing	R-5 Single Family Modular
Future Land Use: Proposed	C-1 Highway Commercial

BACKGROUND AND REASON FOR REQUEST:
The applicant is requesting to rezone from R-5 to C-1 to facilitate the development of a new self storage facility on the property. The applicant has a companion FLU application requesting Commercial Services (CS) designation. Descriptions for both the existing and proposed zoning categories are provided as follows:

Existing R-5 District:

Sec. 16-104 – Description of Zoning Districts

b. *Purpose.* The medium single-family modular dwelling district (R-5) is intended for mid-density urban single-family residential development. The purpose of the R-5 modular dwelling district is to provide areas within the town for modular homes; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are necessary to ensure proper development in a medium-density, modular dwelling, and residential environment. It is intended that the maximum residential density within the district shall be six dwelling units per acre of land. The minimum lot size is 6,000 square feet.

Proposed C-1 Highway Commercial Zoning District:

Sec. Sec. 16-108. - C-1 Commercial District.

(a) *Scope, purpose and permitted uses.* This section applies to the C-1 commercial district. The purpose of the C-1 commercial district is to:

(1) Provide for commercial uses of land and buildings along certain highway frontage in a manner that will recognize its economic utility in servicing the motoring public;

(2) Establish certain criteria to promote traffic safety in such service; and

(3) Minimize any adverse effect of such commercial uses on adjoining residential or agricultural districts.

COMPREHENSIVE PLAN AND ZONING COMPATIBILITY:

Table 1 includes the density/intensity for the amendment to the Future Land Use Map request for the property, the potential change could result in a potential increase of 243,000 sq.ft of non-residential.

Table 1:

Analysis of Impacts from Proposed Rezoning

	Existing Zoning: (R-5) Single Family Modular (2.75 Acres)	Proposed Zoning: (C-1) Commercial Highway (2.75 acres)
Density/Intensity	6 DU/AC	FAR 0.35
Density Potential	16.5 DU	41,793 SF

The proposed zoning change can be considered compatible with the surrounding area based on the Future Land Uses and zoning on nearby properties. More information is available in the Land Use Analysis located below:

Land Use Analysis:

The subject property is surrounded by properties within the incorporated Town limits to its North, South, and West. The East of the Subject property is unincorporated Polk County lands. The unincorporated Polk County properties have a Future Land Use Designation of A/RR under Polk County's land code and contain single family residences. To the North of the subject property is an existing modular home use, with Town Residential Lands-5 Future Land Use and R-5 zoning. To the west of the subject property is agricultural lands under a future land use designation of Residential Lands-5 and Planned Unit Development (PUD) zoning. To the South of the subject property is an existing commercial property under the same ownership of the subject property.

The Land Use Matrix below outlines the existing and proposed Future Land Use and zoning of the subject property and the adjacent properties. The proposed Future Land Use and Zoning Maps are also provided for reference.

Land Use Matrix

Northwest	North	Northeast
FLU: Town Residential Lands-5 **ZONING**: PUD **EXISTING USE:** Agricultural	**FLU: Town Residential Lands-5** **ZONING**: R-5 **EXISTING USE:** Modular Home	**FLU: Town Residential Lands-5** **ZONING**: R-5 **EXISTING USE:** Vacant Residential
West	**Subject Property**	**East**
FLU: Town Residential Lands-5	**EXISTING FLU:** Residential Lands – 5	**FLU: A/RR (Polk County)**

ZONING: PUD **EXISTING USE:** Agricultural	**PROPOSED FLU:** Town C/S **EXISTING ZONING:** Town R5 **PROPOSED ZONING:** Town C-1 **EXISTING USE:** Vacant	**ZONING**: N/A **EXISTING USE:** SFR
Southwest	**South**	**Southeast**
FLU: Town Agricultural Lands **ZONING**: C-1 **EXISTING USE:** Agricultural	**FLU:** Industrial-Light **ZONING**: M-1 **EXISTING USE:** Commercial	**FLU: A/RR (Polk County)** **ZONING**: N/A **EXISTING USE:** SFR

Public Facilities and Services Analysis:

The following is a summary analysis of the potential impacts on existing public facilities and services.

Potable Water

At this time, the Town can provide potable water for the development. A water line exists along Detour Road. This system currently has sufficient capacity to accommodate the proposed land use change. This statement is not intended to assert that this capacity will be reserved for proposed development on the subject parcel. The town will evaluate the point of connection when the applicant requests potable water service and a point of connection through development review. The owner/developer will be responsible for the cost of any improvements related to the development of the subject property.

Sanitary Sewer

At this time, the Town cannot provide sanitary sewer for the development.

Transportation/Traffic:

The subject property has access to Detour Road to the East, which is maintained by the Town. At this time, a traffic study was not conducted. When specific uses are identified, during a construction plan review, a traffic study will be provided and reviewed.

Trip generation rates for the proposed use for the site using ITE code 12th edition, anticipates the generation 31 Trips ADT's and 4 peak hr trips. However, the proposed land use could result in a higher generation of trips depending on the final development. A traffic study will take place at the time construction plans are submitted for review.

Schools

The proposed commercial will not impact Polk County schools.

Recreation/Open Space:

There are no requirements for commercial to provide recreation/open space.

Emergency Services:

Emergency services for both City and County-operated facilities are all in close proximity to the subject property. Police, fire, and EMS are located within a 3-mile radius (by car) and travel time without sirens is 6 minutes or less.

- Polk County Fire Rescue – 1.1 Miles ~ 5 minutes
- Lake Hamilton Police Department – 1.1 Miles ~ 5 minutes
- Winter Haven Hospital Emergency Room – 9 miles ~ 22 minutes
- Heart of Florida Davenport Emergency Room – 11.9 miles – 25 minutes

Environmental:

The site does not include wetland or floodplains. The applicant has provided an Environmental Assessment Report for review. No noteworthy observations were identified.

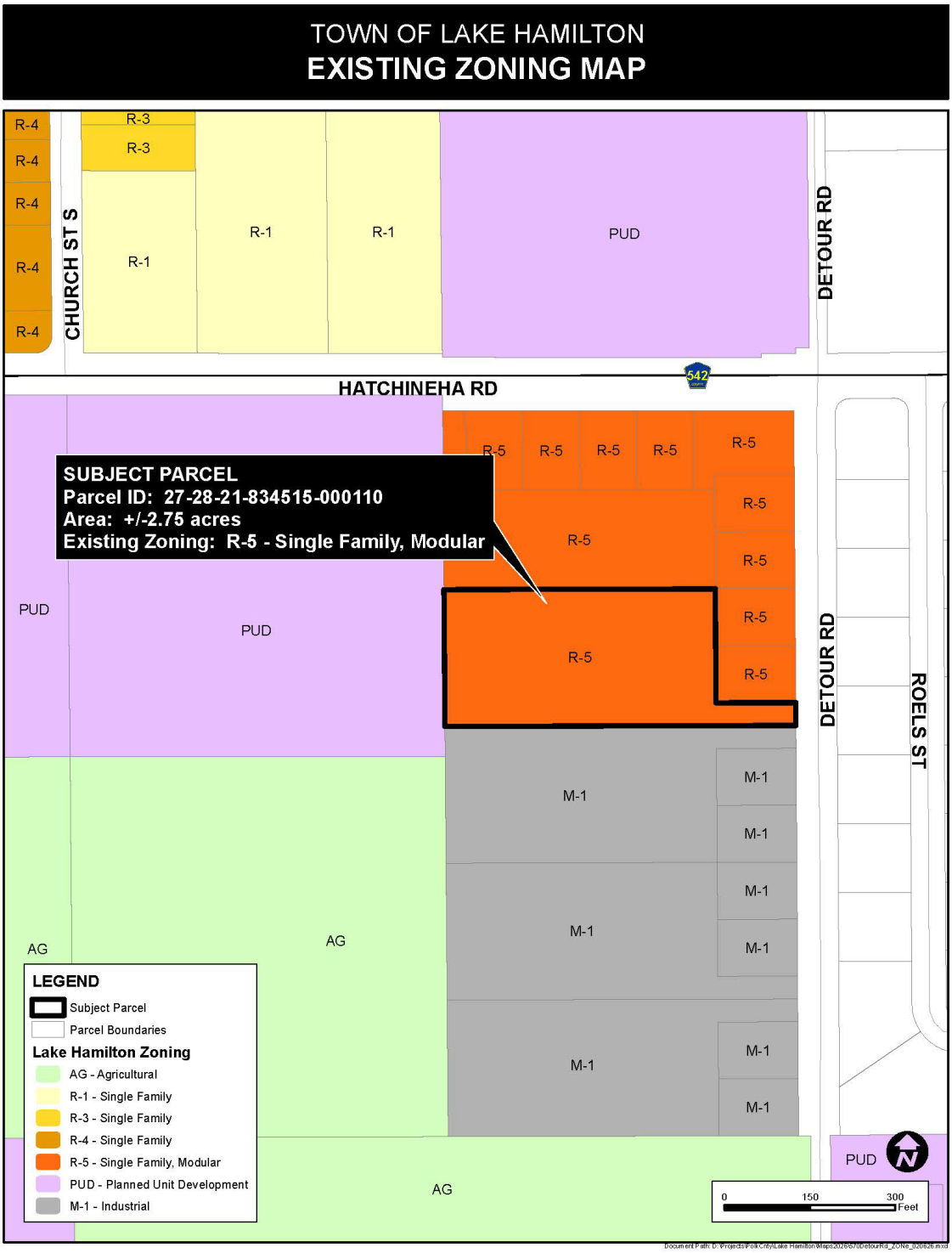
Recommendation:

Planning Commission may consider the request and make a recommendation of approval or denial to the Town Council based on whether it is consistent with the Comprehensive Plan and compatible with the surrounding area.

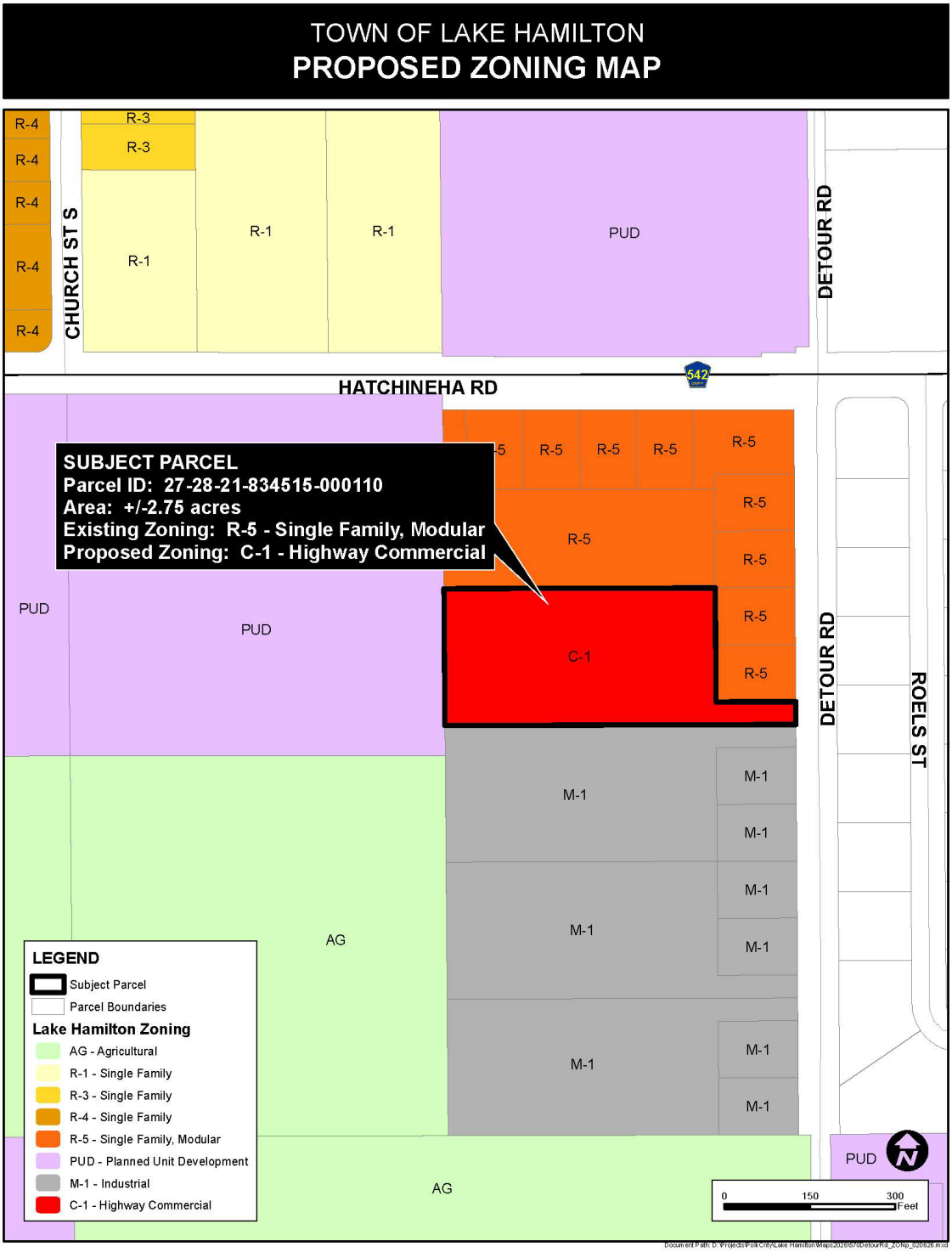
AERIAL MAP
LAKE HAMILTON SELF PARK & STORAGE



EXISTING Zoning Map
LAKE HAMILTON SELF PARK & STORAGE



PROPOSED Zoning Map
LAKE HAMILTON SELF PARK & STORAGE



Town of Lake Hamilton
Planning Commission
Agenda Summary Report

TO: Planning Commission

THROUGH:

FROM: Jonah Katz, CD Director

AGENDA ITEM: **ORDINANCE O-2026-6: AN ORDINANCE OF THE TOWN COUNCIL OF LAKE HAMILTON AMENDING THE CODE OF ORDINANCES, CHAPTER 16 LAND DEVELOPMENT CODE, ARTICLE VII DEVELOPMENT IN FLOOD-PRONE AREAS, TO CORRECT CROSS-REFERENCES, AMEND THE DESIGNATED POSITION OF THE FLOODPLAIN ADMINISTRATOR, AND AMEND THE DEFINITION OF MARKET VALUE FOR THE PURPOSE OF FLOODPLAIN MANAGEMENT; PROVIDING FOR CLARITY; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

DATE: September 9, 2026

SUMMARY & RECOMMENDATION:

This request initiated by the Town of Lake Hamilton is in response to recommended changes to our Land Development Code from the Florida Department of Emergency Management (FDEM). FDEM's Office of Floodplain Management assists communities in amending their floodplain management regulations to maintain compliance with the National Flood Insurance Program. Amending this part of the LDC assists the Town in bringing our ordinance to compliance with national insurance program standards and allows for more efficient access to flood relief and assistance from FEMA and other agencies. Planning Commission may consider the request and make a recommendation of approval or denial to the Town Council based on whether it is consistent with the Comprehensive Plan.

CONSENT AGENDA ☐ **OLD BUSINESS** ☐ **NEW BUSINESS** ☒

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

ATTACHMENT(S):
Lake_Hamilton__Polk__CO_Chapter_16_ArtVII_Flood_CFRPCrevised.pdf
26_08_12 Floodplain language Staff Report_PCrevised.pdf

Lake Hamilton, CO Chapter 16 Land Development Code, Article VII Development in Flood-Prone Areas (Downloaded 04/01/26)

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN COUNCIL OF LAKE HAMILTON AMENDING THE CODE OF ORDINANCES, CHAPTER 16 LAND DEVELOPMENT CODE, ARTICLE VII DEVELOPMENT IN FLOOD-PRONE AREAS, TO CORRECT CROSS-REFERENCES, AMEND THE DESIGNATED POSITION OF THE FLOODPLAIN ADMINISTRATOR, AND AMEND THE DEFINITION OF MARKET VALUE FOR THE PURPOSE OF FLOODPLAIN MANAGEMENT; PROVIDING FOR CLARITY; PROVIDING FOR APPLICABILITY AND 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 Florida Division of Emergency Management reviewed the Town's floodplain management regulations in the Town of Lake Hamilton Code of Ordinances, Chapter 16, Article VII Development in Flood-Prone Areas, and identified required and recommended modifications; and

WHEREAS, the Town of Lake Hamilton participates in the National Flood Insurance Program and the Town Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Parts 59 and 60, necessary for such participation.

WHEREAS, in exercise of its authority, the Town Council has determined it necessary to adopt the amendments to the Land Development Code Article VII Development in Floodplain Areas bring the Town's ordinance into compliance with the current national insurance program standards and ensure the Town's continued participation in the National Flood Insurance Program.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA:

Section 1. **Ordinance Provisions.** The provisions set forth in the recitals of this Ordinance, (whereas clauses) are hereby adopted by the Town Council as legislative findings and the intent of this Ordinance.

Section 2.. **Amendment to the Code of Ordinances, Land Development Code.** The Town Council of the Town of Lake Hamilton amends the Code of Ordinances, Chapter 16 Land Development Regulations, Article VII Development in Flood-Prone Areas as set forth in the following amendments, as shown in strikethrough and underline format in "Exhibit A".

Section 3. **Applicability.** For the purposes of jurisdictional applicability, this ordinance shall apply in the Town of Lake Hamilton. This ordinance shall apply to all applications for development in flood hazard areas submitted on or after the effective date of this ordinance.

Section 4. **Inclusion into the Code of Ordinances.** It is the intent of the Town Council that the provisions of this ordinance shall become and be made a part of the Town of Lake Hamilton Code of Ordinances, and that the sections of this ordinance may be renumbered or re-lettered. The word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. **Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Lake Hamilton, Florida, by and through its Town Council, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. **Conflict**. All ordinances and/or resolutions or parts of ordinances and/or resolutions which are in conflict with this ordinance are hereby repealed but only to the extent necessary to alleviate the conflict but shall continue in effect insofar as they are not in conflict herewith.

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Section 7. **Repealing.** All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. **Copy of Ordinance on File.** An official, true, and correct copy of this Ordinance and the Town's Code of Ordinances, as adopted and amended from time to time, shall be maintained by the Town Clerk. The Town Clerk shall make copies available to the public for a reasonable publication charge.

Section 9. **Administrative Correction of Scrivener's Errors.** Sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or his/her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 10. **Effective Date.** This ordinance shall take effect immediately upon adoption.

Ordinance No. 2026-x

Exhibit "A"

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

PART II. CODE OF ORDINANCES

CHAPTER 16: LAND DEVELOPMENT CODE

ARTICLE VII. DEVELOPMENT IN FLOOD-PRONE AREAS

DIVISION 1. ADMINISTRATION

Sec. 16-399. General.

(a) *Title.* These regulations shall be known as the Floodplain Management Ordinance of the Town of Lake Hamilton, hereinafter referred to as "this ~~ordinance~~ article."

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

(c) *Intent.* The purposes of this ~~ordinance~~ article and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

(1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

(2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

(3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

(4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

(5) Minimize damage to public and private facilities and utilities;

(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

(d) *Coordination with the Florida Building Code.* This ~~ordinance~~ article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

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

(f) *Disclaimer of liability.* This ~~ordinance~~ article shall not create liability on the part of the Town Council of Lake Hamilton or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

Sec. 16-400. Applicability.

(a) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) *Areas to which this ~~ordinance~~ article applies.* This ~~ordinance~~ article shall apply to all flood hazard areas within the Town of Lake Hamilton, as established in section 16-400(c) of this article.

(c) *Basis for establishing flood hazard areas.* The flood insurance study for Polk County, Florida and Incorporated Areas dated December 22, 2016, 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 ~~ordinance~~ article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Town Hall, 100 Smith Avenue, Lake Hamilton.

(d) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 16-403 of this article 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:

(1) 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 ~~ordinance~~ article and, as applicable, the requirements of the Florida Building Code.

(2) 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.

(e) *Other laws.* The provisions of this ~~ordinance~~ article shall not be deemed to nullify any provisions of local, state or federal law.

(f) *Abrogation and greater restrictions.* This article supersedes any ~~ordinance~~ article in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances 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 ~~ordinance~~ article and any other ordinance, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ~~ordinance~~ article.

(g) *Interpretation.* In the interpretation and application of this ~~ordinance~~ article, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 16-401. Duties and powers of the floodplain administrator.

(a) *Designation.* The Community Development Director ~~development director~~ is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(b) *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this ~~ordinance~~ article. The floodplain administrator shall have the authority to render interpretations of this ~~ordinance~~ article consistent with the intent and purpose of this ~~ordinance~~ article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ~~ordinance~~ article without the granting of a variance pursuant to section 16-405 of this ~~ordinance~~ article.

(c) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:

(1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

(2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;

(3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

(4) Provide available flood elevation and flood hazard information;

(5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(6) Review applications to determine whether proposed development will be reasonably safe from flooding;

(7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ~~ordinance~~ article is demonstrated, or disapprove the same in the event of noncompliance; and

(8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ~~ordinance~~ article.

(d) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ~~ordinance~~ article is required.

(e) *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to section 16-405 of this article.

(f) *Notices and orders.* The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

(g) *Inspections.* The floodplain administrator shall make the required inspections as specified in section 16-404 of this article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(h) *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection (d) of this section;

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this ~~ordinance~~ article and the Florida Building Code to determine that such certifications and documentations are complete; and

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Lake Hamilton are modified.

(i) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ~~ordinance~~ article and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ~~ordinance~~ article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ~~ordinance~~ article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Town Hall, 100 Smith Avenue, Lake Hamilton.

Sec. 16-402. Permits.

(a) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ~~ordinance~~ article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ~~ordinance~~ article and all other applicable codes and regulations has been satisfied.

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

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

(1) Railroads and ancillary facilities associated with the railroad.

(2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.

(3) Temporary buildings or sheds used exclusively for construction purposes.

(4) Mobile or modular structures used as temporary offices.

(5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

(7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.

(9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

(d) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

(1) Identify and describe the development to be covered by the permit or approval.

(2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan or construction documents as specified in section 16-403 of this article.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant or the applicant's authorized agent.

(7) Give such other data and information as required by the floodplain administrator.

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

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

(g) *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ~~ordinance~~ article or any other ordinance, regulation or requirement of this community.

(h) *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

(1) The Southwest Florida Water Management District; F.S. § 373.036.

(2) Florida Department of Health for on-site sewage treatment and disposal systems; F.S. § 381.0065 and F.A.C. Ch. 64E-6.

(3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.

(4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(5) Federal permits and approvals.

Sec. 16-403. Site plans and construction documents.

(a) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ~~ordinance~~ article shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsections (b)(2) or (3) of this section.

(3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection (b)(1) of this section.

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(7) Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ~~ordinance~~ article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed

development is such that the review of such submissions is not necessary to ascertain compliance with this ~~ordinance~~ article.

(b) *Information in flood hazard areas without base flood elevations (approximate Zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

(1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

(2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

(3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

b. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.

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

(c) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection (d) of this section and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and

certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subection (d) of this section.

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

Sec. 16-404. Inspections.

(a) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.

(b) *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this ~~ordinance~~ article and the conditions of issued floodplain development permits or approvals.

(c) *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ~~ordinance~~ article and the conditions of issued floodplain development permits or approvals.

(d) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

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

(2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 16-403(b)(3)b of this ~~ordinance~~ article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(e) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in subsection (d) of this section.

(f) *Manufactured homes.* The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ~~ordinance~~ article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator.

Sec. 16-405. Variances and appeals.

(a) *General.* The board of zoning adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this ~~ordinance~~ article. Pursuant to F.S. § 553.73(5), the board of zoning adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

(b) *Appeals.* The board of zoning adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this ~~ordinance~~ article. Any person aggrieved by the decision may appeal such decision to the circuit court, as provided by Florida Statutes.

(c) *Limitations on authority to grant variances.* The board of zoning adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection (g) of this section, the conditions of issuance set forth in subsection (h) of this section, and the comments and recommendations of the floodplain administrator and the building official. The board of zoning adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ~~ordinance~~ article.

(d) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in ~~subsection (c)~~ section 16-403(c) of this article.

(e) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(f) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ~~ordinance~~ article, provided the variance meets the requirements of subsection (d), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(g) *Considerations for issuance of variances.* In reviewing requests for variances, the board of zoning adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ~~ordinance~~ article, and the following:

(1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

(4) The importance of the services provided by the proposed development to the community;

(5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

(6) The compatibility of the proposed development with existing and anticipated development;

(7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

(8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(h) *Conditions for issuance of variances.* Variances shall be issued only upon:

(1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ~~ordinance~~ article or the required elevation standards;

(2) Determination by the board of zoning adjustment that:

a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

(3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25.00 for $100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 16-406. Violations.

(a) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this ~~ordinance~~ article that is performed without an issued permit, that is in

conflict with an issued permit, or that does not fully comply with this ~~ordinance~~ article, shall be deemed a violation of this ~~ordinance~~ article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ~~ordinance~~ article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

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

(c) *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Secs. 16-407—16-434. Reserved.

DIVISION 2. DEFINITIONS

Sec. 16-435. General.

(a) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ~~ordinance~~ article, have the meanings shown in this section.

(b) *Terms defined in the Florida Building Code.* Where terms are not defined in this ~~ordinance~~ article and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

(c) *Terms not defined.* Where terms are not defined in this ~~ordinance~~ article or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

Sec. 16-436. Definitions.

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

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

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

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

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

(1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

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

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

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

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

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before November 5, 1980. [Also defined in FBC, B, Section 202.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before November 5, 1980.

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).

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

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 202.]

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

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

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood insurance study (FIS). The official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

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

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

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 202.]

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

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

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

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

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

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

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

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

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

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

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

(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

(3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

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

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 ordinance, the term refers to the~~ The market value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser,~~ is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after November 5, 1980 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 November 5, 1980.

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. [Also defined in FBC, B Section 202.]

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. [Also defined in FBC, B Section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure. [See Instructions and Notes]

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

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

Secs. 16-437—16-457. Reserved.

DIVISION 3. FLOOD RESISTANT DEVELOPMENT

Sec. 16-458. Buildings and structures.

Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to section 16-402(c) of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 16-464 of this article.

Sec. 16-459. Subdivisions.

(a) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(b) *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

(2) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 16-403(b)(1) of this ~~ordinance~~ article; and

(3) Compliance with the site improvement and utilities requirements of section 16-460 of this article.

Sec. 16-460. Site improvements, utilities and limitations.

(a) *Minimum requirements.* All proposed new development shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

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

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

(d) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 16-403(c)(1) of this ~~ordinance~~ article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(e) *Limitations on placement of fill.* Subject to the limitations of this ~~ordinance~~ article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

Sec. 16-461. Manufactured homes.

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

(b) *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 ~~ordinance~~ article. Foundations for manufactured homes subject to subsection (f) of this section are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

(c) *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.

(d) *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with subsections (e) or (f) of this section, as applicable.

(e) *General elevation requirement.* Unless subject to the requirements of subsection (f) of this section, 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).

(f) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection (e) of this article, 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 in the Florida Building Code, Residential Section R322.2 (Zone A); or

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

(g) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 for such enclosed areas.

(h) *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.

Sec. 16-462. Recreational vehicles and park trailers.

(a) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

(1) Be on the site for fewer than 180 consecutive days; or

(2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(b) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection (a) of this section for temporary placement shall meet the requirements of section 16-461 of this article for manufactured homes.

Sec. 16-463. Tanks. Sec. 16-463. Tanks.

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

(b) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection (c) of this section shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation,

collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

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

(d) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

(1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 16-464. Other development.

(a) *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ~~ordinance~~ article or the Florida Building Code, shall:

(1) Be located and constructed to minimize flood damage;

(2) Meet the limitations of section 16-460(d) of this article if located in a regulated floodway;

(3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(4) Be constructed of flood damage-resistant materials; and

(5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(b) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 16-460(d) of this article.

(c) *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 16-460(d) of this article.

(d) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 16-460(d) of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 16-403(c)(3) of this article.

Secs. 16-4645—16-488. Reserved.

INTRODUCED and PASSED on first reading this 7th day of September, 2026.
PASSED and ADOPTED on second reading this ____ day of _____, 2026.

TOWN OF LAKE HAMILTON, FLORIDA

_____

PHYLLIS HALL, MAYOR

ATTEST:

_____

JAQUELINE BORJA, TOWN CLERK

Approved as to form:

_____

ANTHONY SABITINI, ESQ., TOWN ATTORNEY

Record of Vote	**Yes**	**No**
Mathis		
Ortega		
Collier		
Demanche		
Hall		

Town of Lake Hamilton

Planning Commission

Agenda Staff Report

August 12, 2026

TO: Lake Hamilton Planning Commission

FROM: Jonah Katz, Community Development Director

SUBJECT: Request for approval of the Town Council of proposed amendments to Code of Ordinances, Chapter 16 Land Development Code related to Development in Flood-Prone Areas

AGENDA & HEARING DATES:

Planning Commission Meeting: August 12, 2026; 5:30 PM
Town Council Meeting – First Reading: September 1, 2026; 5:30 PM
Town Council Meeting – Second Reading: October 6, 2026; 5:30 PM

Attachments
Ordinance 2026-xx

PLANNING COMMISSION MOTION OPTIONS:

1. I move the Planning and Zoning Board forward the proposed text amendments to the Town Council with a recommendation of **approval.**

2. I move the Planning and Zoning Board forward the proposed text amendments to the Town Council with a recommendation of **approval with changes.**

3. I move **continuation to a date and time certain**.

BACKGROUND AND REASON FOR REQUEST:

The Florida Department of Emergency Management (FDEM) Office of Floodplain Management reviews floodplain management ordinances of jurisdictions to ensure they are compliant with the current Federal Emergency Management Agency (FEMA) regulations and the National Flood Insurance Program. FDEM identified changes required to make Lake Hamilton's Floodplain Management Ordinance consistent with FEMA requirements.

The Town of Lake Hamilton is initiating a request to amend the Town's Land Development Code to update the Floodplain Management Section to address the recommended changes from FDEM. Amending this part of the LDC will bring the Town's ordinance into compliance with the current national insurance program standards and allows for more efficient access

to flood relief and assistance from FEMA and other agencies. FEMA can suspend a community's National Flood Insurance Program (NFIP) participation if its local floodplain management ordinance is outdated or no longer meets NFIP requirements. Suspension has serious consequences in that new and renewal NFIP flood insurance policies cannot be written and some forms of federal assistance cannot be provided (including some disaster assistance).

PROPOSED CHANGES:

The proposed amendments in the attached Ordinance were prepared using input from FEMA. They include the following changes:

- Changing "ordinance" to "article"
- Changing "development director" to "Community Development Director"
- Updating cross references
- Removing the italicized format from the numbering under the definition for "Letter of Map Change (LOMC)"
- Updating definition for "Market Value"

Town of Lake Hamilton
Planning Commission
Agenda Summary Report

TO: Planning Commission

THROUGH:

FROM: Jonah Katz, CD Director

AGENDA ITEM:

Ordinance O-2026-XX: an applicant-initiated request amending the Comprehensive Plan of the Town of Lake Hamilton for a 4 +/- acre parcel of land located on the East Side of Roberts Road 1245 feet East of the intersection of Highway 27 and Kokomo Road (Parcel ID Numbers 272808-821701-000100 and Part of 272808-821701-000011) from Agriculture Lands and Conservation to Industrial-Light.

DATE: September 9, 2026

SUMMARY & RECOMMENDATION: The applicant is requesting a comprehensive plan amendment to change the future land use map classification from Agricultural Lands and Conservation to Industrial-Light. The applicant has a companion rezoning request for the same area, requesting a change from Agricultural (AG) and Conservation (CON) to M-1 Industrial Zoning District. That attached staff report provides and analysis of the request. Planning Commission may consider the request and make a recommendation of approval or denial to the Town Council based on whether it is consistent with the Comprehensive Plan and compatible with the surrounding area.

CONSENT AGENDA ☐ **OLD BUSINESS** ☐ **NEW BUSINESS** ☒

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

ATTACHMENT(S):
Ordinance O-2026-XX - Land Use Pinnacle Express Expansion.pdf

ORDINANCE O-2026-XX

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP CLASSIFICATION FROM AGRICULTURE – AG AND CONSERVATION – CON TO INDUSTRIAL-LIGHT FOR A 4 +/- ACRE PARCEL OF LAND LOCATED ON THE EAST SIDE OF ROBERTS ROAD 1245 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA COMMERCE FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FO RREPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIBENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 through 163.3215, Florida Statutes, empowers local governments to adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth; and

WHEREAS, in exercise of its authority the Town Council has determined it necessary to adopt amendments to the Town's Comprehensive Plan, which are attached hereto as **Exhibit "A"** and by this reference made a part hereof, to ensure that the Comprehensive Plan is in full compliance with the laws of the State of Florida; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Town Council has held meetings and hearings on **Ordinance O-2026-XX**, the amendment to the Comprehensive Plan and made a part hereof; and the meetings were advertised and held with due public notice to obtain public comment; and having considered written and oral comments received during public hearings, find the amendment complete and appropriate to the needs of the Town.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The provisions set forth in the recitals of this Ordinance (whereas clauses) are hereby adopted by the Town Council as legislative findings and intent of the Ordinance.

SECTION 2. AMENDMENT TO THE COMPREHENSIVE PLAN. The Town of Lake Hamilton Comprehensive Plan, Future Land Use Map is hereby amended as set forth in Exhibit "A".

SECTION 3. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 4. COPY OF ORDINANCE ON FILE. A copy of this Ordinance shall be kept on file in the office of the Lake Hamilton Town Clerk.

SECTION 5. CONFLICTS WITH OTHER ORDINANCES. That portion of any Ordinance which may be in conflict with this Ordinance is hereby repealed with the adoption of this Ordinance.

SECTION 6. EFFECTIVE DATE. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency, or the Administration Council enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Council, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

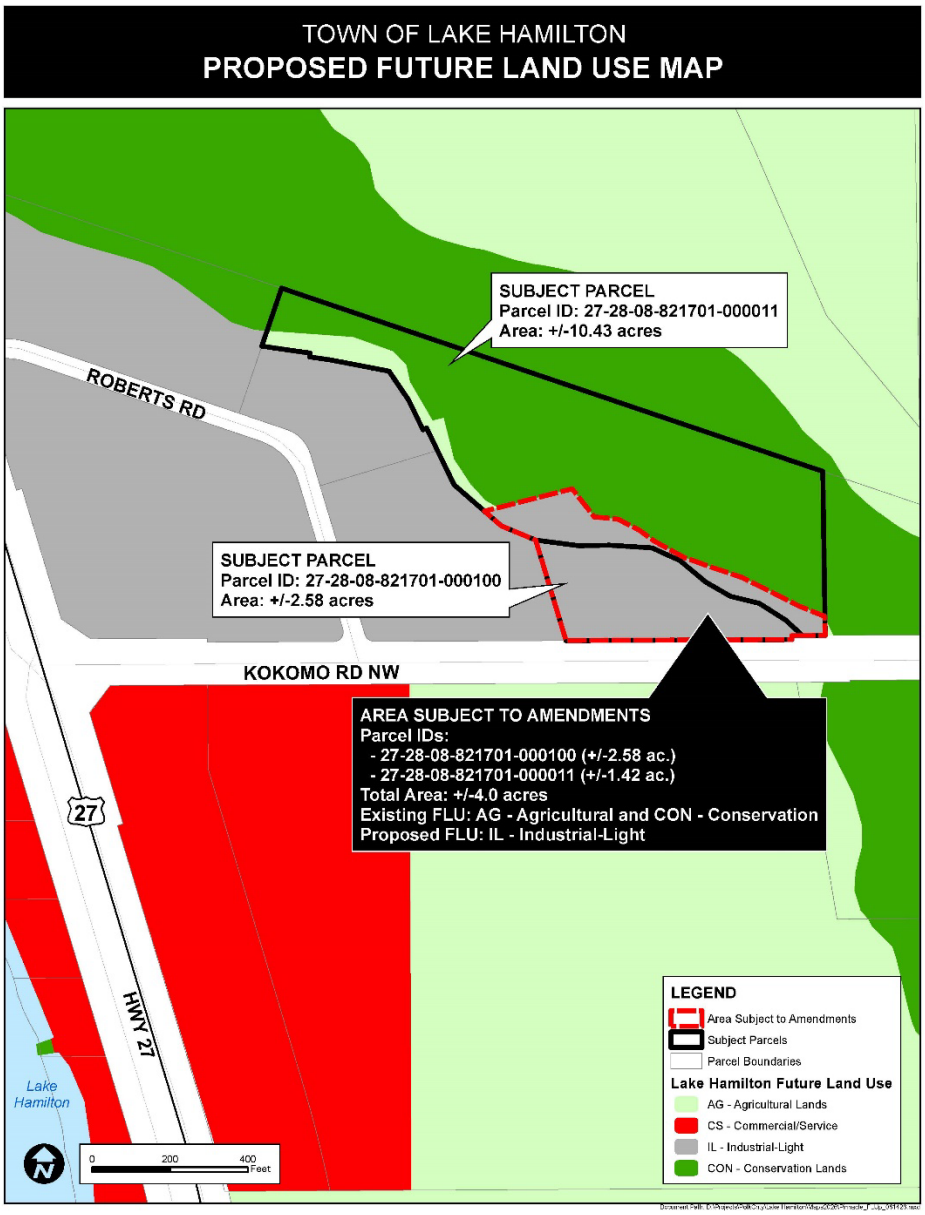
SECTION 7. INCORPORATION INTO COMPREHENSIVE PLAN. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the Town; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Comprehensive Plan is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

Map A

Legal Descriptions: Roberts Industrial Park Plat Book 117 Page 11, Lot 10 and Part of Lot 1

Parcel ID Numbers: 272808-821701-000100 and Part of 272808-821701-000011

Future Land Use Map Amendment:



INTRODUCED and PASSED on first reading this 1st day of October, 2026.
PASSED and ADOPTED on second reading this ____ day of _____, 2026.

TOWN OF LAKE HAMILTON, FLORIDA

_____

PHYLLIS HALL, MAYOR

ATTEST:

_____

JAQUELINE BORJA, TOWN CLERK

Approved as to form:

_____

ANTHONY SABITINI, ESQ., TOWN ATTORNEY

Record of Vote	**Yes**	**No**
Mathis		
Ortega		
Collier		
Demanche		
Hall		

Town of Lake Hamilton
Planning Commission
Agenda Summary Report

TO: Planning Commission

THROUGH:

FROM: Jonah Katz, CD Director

AGENDA ITEM: Ordinance O-2026-XX: an applicant-initiated request amending the zoning classification of a 4 +/- acre parcel of land (Parcel ID #s 272808-821701-000100 and Part of 272808-821701-000011) generally located on the East Side of Roberts Road 1245 feet east of the intersection of Highway 27 and Kokomo Road from Agriculture (AG) and Conservation (CON) to Industrial Zoning (M-1)

DATE: September 9, 2026

SUMMARY & RECOMMENDATION: The applicant is requesting to rezone from Agriculture (AG) and Conservation (CON) to Industrial Zoning (M-1). The applicant has a companion FLU application requesting a change from Agricultural Lands and Conservation Lands to Industrial-Light. The attached staff report provides an analysis of the request. Planning Commission may consider the request and make a recommendation of approval or denial to the Town Council based on whether it is consistent with the Comprehensive Plan and compatible with the surrounding area.

CONSENT AGENDA ☐ **OLD BUSINESS** ☐ **NEW BUSINESS** ☒

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

ATTACHMENT(S):
Ordinance O-2026-XX - Rezoning Pinnacle Express Expansion.pdf

ORDINANCE O-2026-XX

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, REZONING A 4 +/- ACRE PARCEL OF LAND LOCATED ON THE EAST SIDE OF ROBERTS ROAD 1245 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD FROM AGRICULTURE AND CONSERVATION TO M-I INDUSTRIAL ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there has been a request for approval of a rezoning of the property described below; and

WHEREAS, the change will further the general health, safety, and welfare and be a benefit to the Town as a whole; and

WHEREAS, the zoning change requested by the applicant is consistent with the Future Land Use Element of the Lake Hamilton Comprehensive Plan.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:

1. The parcel is located 1245 feet east of the intersection of Highway 27 and Kokomo Roads on the east side of Roberts Road as shown on Map "A", which is attached hereto, and consists of a total of approximately 4 +/- acres, and is described as follows:

   ROBERTS INDUSTRIAL PARK, LOTS 10 AND PART OF LOT 1, PLAT BOOK 117, PAGE 1

2. The parcel, as platted and described above, constitutes less than five percent (5%) of the municipally zoned area of the Town.

3. Said property is hereby rezoned from AG Agriculture and CON Conservation to M-1 Industrial Zoning District and the regulations of that District contained in the Land Development Code shall govern further public review and development of the property within this District with the following specific conditions:

   a. That any section, paragraph, or portion which may be deemed illegal or unconstitutional shall not affect any other section of this ordinance.

   b. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

   c. This ordinance shall take effect immediately upon adoption after second reading.

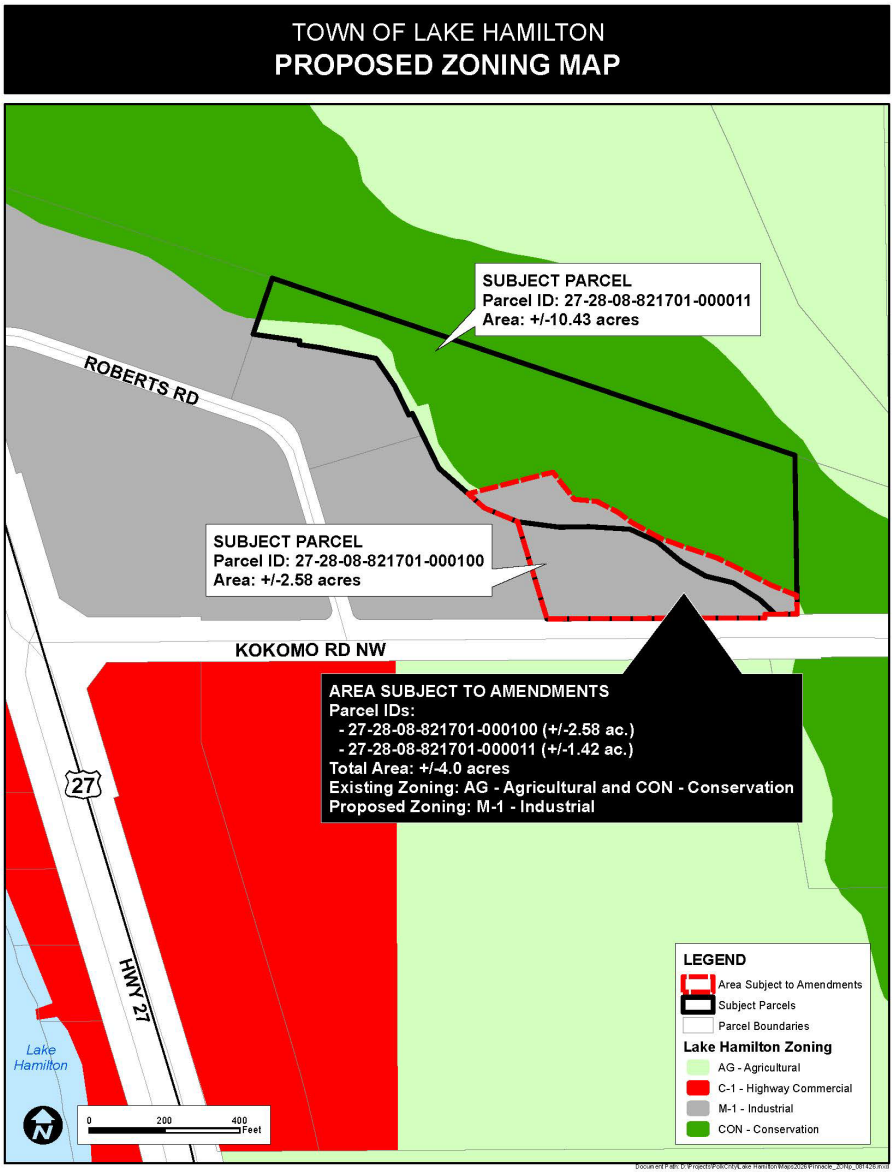
4. A certified copy of this Ordinance, as well as a copy of the Land Development Code shall be located in the Office of the Town Clerk of Lake Hamilton.

MAP A

Legal Descriptions: Roberts Industrial Park Plat Book 117 Page 11, Lot 10 and Part of Lot 1

Parcel ID Numbers: 272808-821701-000100 and Part of 272808-821701-000011

Proposed Zoning Map:



INTRODUCED and PASSED on first reading this 1st day of October, 2026.

PASSED and ADOPTED on second reading this ____ day of _____, 2026.

TOWN OF LAKE HAMILTON, FLORIDA

_____

PHYLLIS HALL, MAYOR

ATTEST:

_____

JAQUELINE BORJA, TOWN CLERK

Approved as to form:

_____

ANTHONY SABITINI, ESQ., TOWN ATTORNEY

Record of Vote	**Yes**	**No**
Mathis		
Ortega		
Collier		
Demanche		
Hall		