



400 South Federal Hwy  
Hallandale Beach, FL 33009

## City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading
<b>10/20/2021</b>	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other	Ordinance Reading	<b>9/1/2021</b>	<b>10/20/2021</b>
		Public Hearing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		Advertising Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Quasi Judicial:	<input type="checkbox"/>	<input type="checkbox"/>
File No.:				
<b>21-466</b>				
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number :	
<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>N/A</b>	<b>Vanessa Leroy, Director</b>	<b>Development Services</b>	
Strategic Plan Focus Areas:				
<input type="checkbox"/> Finance & Budget		<input type="checkbox"/> Organizational Capacity	<input checked="" type="checkbox"/> Infrastructure/Projects	
Implementation Timeline:				
Estimated Start Date: 9/1/2021    Estimated End Date: 10/20/2021				

### SHORT TITLE:

**AN ORDINANCE BY THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE CITY OF HALLANDALE BEACH CODE OF ORDINANCES TO REVISE CHAPTER 8 “BUILDINGS, CONSTRUCTION AND CONDOMINIUMS,” ARTICLE III “FLOODPLAIN MANAGEMENT,” SECTION 8-74 PERMITS, SECTION 8-80 DEFINITIONS, SECTION 8-81 BUILDINGS AND STRUCTURES AND SECTION 8-84 MANUFACTURED HOMES, TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO APPLY COASTAL HIGH HAZARD AREA (V ZONE) REQUIREMENTS IN COASTAL A ZONES; TO ADOPT LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Second Reading)**

## **STAFF SUMMARY:**

### **Summary:**

The Development Services Department Building Division and the Floodplain Administrator are requesting, amendments to Chapter 8, Article III, Floodplain Management of the Hallandale Beach Code of Ordinances in order to synchronize the current State of Florida Floodplain Management Office (SFMO), an office under the Florida Division of Emergency Management (FDEM), floodplain requirements with the City of Hallandale Beach floodplain requirements and to strengthen floodplain management in the City.

### **Background**

Chapter 8, Article III, Floodplain Management of the City's Code of Ordinances sets forth provisions on Floodplain Management. The purpose of the Article is 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. The Article is intended to be administered and enforced in conjunction with the Florida Building Code. The City's Building Official is designated as the Floodplain Administrator.

The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA). The general purpose of the NFIP is both to offer primary flood insurance to properties with significant flood risk, and to reduce flood risk through the adoption of floodplain management standards. By providing flood insurance, FEMA can reduce the cost and adverse consequences of flooding to property owners.

Flood Insurance Rate Maps (FIRMs) are prepared by FEMA. These FIRMs are used by the City to set minimum building requirements and they are used by lenders to determine flood insurance requirements. The FIRMs depict the various flood zones and corresponding risk areas.

Special Flood Hazard Areas (SFHAs) are high-risk areas and have a 1 in 4 chance of flooding during a 30-year mortgage. Structures that are within a Special Flood Hazard Area are required to be insured from flooding if the structure's mortgage is federally regulated or required by the insured lender. Areas outside the SFHAs are moderate-to-low risk areas, and although the risk of flooding is reduced, it is not eliminated.

On September 1, 2021, the City Commission approved First Reading of the Ordinance. Since First Reading, the Ordinance has been revised at line 505 to maintain the existing elevation requirement of 8 inches for new residential construction outside special flood hazard areas (X Zone). Upon further consideration, staff determined that requiring an elevation of 18 inches for new development outside a flood zone area could adversely impact new development and existing residential areas by causing unintended flooding on neighboring properties.

The ordinance was also revised at lines 477 to line 478, to require buildings in special flood hazard areas to be elevated as required by the Florida Building Code or a minimum of 18 inches above the highest crown of the road.

FEMA staff have reviewed the revisions and have no objections to the amendments.

### **Current Situation**

Hallandale Beach participates in the National Flood Insurance Program (NFIP) and its Community Rating System (CRS), an incentive program that encourages community floodplain management activities that exceed the minimum requirements of NFIP. Each participating community is reviewed every year by the FEMA to recertify that it is still practicing and implementing the activities that were used to determine its Class rating. Every fifth year, FEMA performs a more thorough review to verify that the community is still practicing and implementing the activities that were used to determine its Class rating. Hallandale Beach audit by FEMA will occur this September 2021. CRS ratings start at Class 10; policy holders in communities with this rating do not receive discounts in their flood insurance premiums. CRS ratings end at Class 1; policy holders in communities with this rating can receive discounts up to 45%. The City's present CRS rating is a respectable Class 6, which provides for a 20% discount in the flood insurance premiums for City policy holders within SFHAs.

The City of Hallandale Beach was the first community in Broward County to achieve a Class 6 rating. There are no cities in Broward with a Class 5 rating. Class 5 rating, which would provide for a 25% discount to insurance premium instead of the 20% for Class 6 cities, would be difficult to achieve.

The City of Hallandale Beach has an adopted Floodplain Management Plan last revised in 2016. CRS MAX Consultants was hired by the City to assist with updating the Plan and to assist with the upcoming audit by FEMA of the City's Community Rating System (CRS) program. The CRS program in the City of Hallandale Beach saves residents and businesses over \$900,000 annually in reduced flood insurance premiums.

## **Analysis**

### **Current Code**

Hallandale Beach Code of Ordinances, Chapter 8, Division 3, Flood Resistant Development, sets forth a higher standard for flood prevention by requiring additional elevation (freeboard) for new construction.

In special flood hazard areas, one or two-family dwellings are required to be constructed 12 inches above the minimum elevation requirements of the Florida Building Code, or a minimum of 18 inches above the adjacent crown of the road, whichever is highest. All other new construction (multi-family buildings and nonresidential properties) is required to be 4 inches above the minimum base flood elevation requirements of the Florida Building Code.

Outside special flood hazard areas (Zone X), one or two-family dwellings must be 8 inches above the adjacent crown of the road and all other construction (multi-family and nonresidential buildings) must be 4 inches above the adjacent crown of the road.

The City's existing regulations also address special construction techniques to be used in coastal high hazard areas. These coastal high hazard areas are subject to high velocity wave action or V Zones.

Presently, Hallandale Beach does not have flood elevation requirement specifically for Critical Facilities, which is presently a FEMA recommendation for cities.

### **Proposed Amendments**

The following is a summary of the proposed amendments in the attached Ordinance:

1. Requires projects in coastal high hazard areas and applications for wet floodproofing accessory structures larger than 100 feet to provide a signed non-conversion agreement prior to the issuance of a Certificate of Occupancy.
2. Amends Section 8-80, Definitions, to:
  - a). Add a definition for *accessory structures* specifying that the term, for floodplain purposes, is only for accessory structures used for parking or storage.
  - b). Adds a definition for *critical facilities* such as, hospitals, nursing homes, police and fire stations and emergency facilities.
  - c) Adds a definition for *non-conversion agreement* as a declaration of land restriction.
  - d) Deletes the definitions of *expansion of manufacture home park or subdivision* and *new manufactured home park or subdivision*.
3. Amends the minimum additional elevation (freeboard) in special flood hazard areas for one and two-family structures to meet the elevations specified by the Florida Building Code or 18 inches above the crown of the road whichever is higher; and for multi-family buildings, from 4 inches to as specified by the Florida Building Code or 18 inches above the crown of the road, whichever is higher. For nonresidential buildings, it is raised from 4 inches to 6 inches above the crown of the road.

The Section is also amended to require a critical facility as defined by the section to have the lowest floor elevated to meet Florida Building Code, the 500-year flood elevation, or at least 24 inches above the crown of the road.

4. The minimum additional elevation for properties outside a flood zone (i.e., X zone) are amended as follows: one and two-family structures would remain at 8 inches, and for multi-family buildings, from 4 inches to 8 inches above the crown of the road. For nonresidential buildings, it is raised from 4 inches to 6 inches. The elevations must be measured from the highest point of crown of the road of all adjacent streets.

The Section is also amended to require a critical facility to have the lowest floor elevated to meet Florida Building Code/FEMA, the 500-year flood elevation, or at least 24 inches above the crown of the road.

5. Clarifies that all elevations shall be measured from the highest point of crown of the road of all adjacent streets.
6. Requires buildings in Coastal A zones to meet the requirements of coastal high hazard areas (V zones) and prohibits backfilled stem wall foundations and dry floodproofing.
7. Adds a non-conversion agreement requirement for structures located below the elevated floors and for accessory structures more than 100 square feet in coastal high hazard areas to prevent human occupancy and illegal conversions of storage areas prone to flooding.
8. Requires all manufactured homes that are placed, replaced or substantially improved in flood hazard areas to be elevated at or above the required flood elevation criteria of the Florida Building Code.

The proposed ordinance has been thoroughly pre-reviewed by the Florida Department of Emergency Management representatives. Upon the City Commission's adoption of the ordinance, the ordinance will be sent to FEMA for their records.

**Why Action is Necessary:**

Pursuant to Article V, Division I, Section 5.01 of The City of Hallandale Beach City Charter, a City Ordinance is to be adopted to amend an existing Ordinance.

Based upon a 2021 requirement in the NFIP/CRS program, the manufactured home elevation component of this ordinance must be adopted in order for the City to maintain its CRS classification and the resulting \$900,000 annual reduction in flood insurance premiums. Additional provisions within this ordinance will earn more points in the City's CRS program and thus increase its potential to earn a Class 5, resulting in over \$1 million annually in flood insurance premium reductions.

**Cost Benefit:**

Currently, the cost-benefit is subjective to the sustainability and National Flood Insurance Program, FEMA implementation and the reduction of possible losses in a flood event, which cannot be quantified at this time; as this ordinance affects future new buildings/structures, and the substantially improved and damaged buildings/structures as defined by FEMA.

**PROPOSED ACTION:**

Staff recommends the City Commission approve the proposed ordinance.

**ATTACHMENT(S):**

Exhibit 1 – Proposed Ordinance Amending Chapter 8, Floodplain Management

Prepared By:

  
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Reviewed By: Vanessa Leroy

Vanessa Leroy  
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Approved By: Jeremy Earle

Jeremy Earle  
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