

1 EXHIBIT 1

2 ORDINANCE NO. 2021-

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4
5 AN ORDINANCE BY THE MAYOR AND CITY COMMISSION OF
6 THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE
7 CITY OF HALLANDALE BEACH CODE OF ORDINANCES TO
8 REVISE CHAPTER 8 "BUILDINGS, CONSTRUCTION AND
9 CONDOMINIUMS," ARTICLE III "FLOODPLAIN MANAGEMENT,"
10 SECTION 8-74 PERMITS, SECTION 8-80 DEFINITIONS, SECTION
11 8-81 BUILDINGS AND STRUCTURES AND SECTION 8-84
12 MANUFACTURED HOMES, TO PROVIDE CRITERIA FOR
13 ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO
14 SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD
15 HAZARD AREAS; TO APPLY COASTAL HIGH HAZARD AREA (V
16 ZONE) REQUIREMENTS IN COASTAL A ZONES; TO ADOPT
17 LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE;
18 PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND
19 PROVIDING FOR AN EFFECTIVE DATE.

20 WHEREAS, pursuant to Chapter 166 – Municipalities, Florida Statutes, the
21 state legislature confers upon local governments the authority to adopt regulations
22 designed to promote the public health, safety, and general welfare of its citizenry;
23 and

24 WHEREAS, the Federal Emergency Management Agency (FEMA) released
25 FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural
26 Structures and Accessory Structures; and

27 WHEREAS, the City of Hallandale Beach has determined it appropriate to adopt
28 regulations that are consistent with the FEMA Policy to allow issuance of permits for wet
29 floodproofed accessory structures that are not larger than the sizes specified in the FEMA
30 Policy; and

31 WHEREAS, the City of Hallandale Beach participates in the National Flood
32 Insurance Program (NFIP) and participates in the NFIP's Community Rating System
33 (CRS), a voluntary incentive program that recognizes and encourages community
34 floodplain management activities that exceed the minimum program requirements,
35 achieving a CRS rating of Class 6; and

36 WHEREAS, in 2020 the NFIP CRS established certain minimum
37 prerequisites for communities to qualify for or maintain class ratings of Class 8 or

38 better and to satisfy the prerequisite and for community to maintain the current CRS
39 rating, all manufactured homes installed or replaced in special flood hazard areas
40 must be elevated such that the lowest floors are at or above at least the base flood
41 elevation plus one (1) foot, which necessitates modification of the existing
42 requirements; and

43 **WHEREAS**, Chapter 553, Florida Statutes, allows for local technical amendments
44 to the *Florida Building Code* that provide for more stringent requirements than those
45 specified in the Code and allows adoption of local administrative and local technical
46 amendments to the Florida Building Code to implement the NFIP and incentives; and
47

48 **WHEREAS**, the Mayor and City Commission of the City of Hallandale Beach are
49 adopting a requirement to increase building elevations; to treat Coastal A Zones, when
50 delineated, like coastal high hazard areas; to require non-conversion agreements for
51 enclosures below buildings in coastal high hazard areas and coastal a zones; and for the
52 purpose of participating in the NFIP's CRS and, pursuant to section 553.73(5), F.S., are
53 formatting that requirement to coordinate with the *Florida Building Code*; and
54

55 **WHEREAS**, the Mayor and City Commission of the City of Hallandale Beach
56 has determined that it is in the public interest to adopt the proposed local technical
57 amendments to the *Florida Building Code* and the proposed amendments are not
58 more stringent than necessary to address the need identified, do not discriminate
59 against materials, products or construction techniques of demonstrated capabilities,
60 are in compliance with section 553.73(4), Florida Statutes; and

61 **WHEREAS**, the Mayor and City Commission of the City of Hallandale Beach
62 determined that it is in the public interest to amend the floodplain management
63 regulations, to adopt local amendments to the Florida Building Code, and to continue
64 participating in the Community Rating System at the current class rating.

65 **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Commission
66 of the City of Hallandale Beach that the following amendments, as shown in
67 ~~strike through~~ and underline format in Section 2 are hereby adopted.

68 **SECTION 1. Recitals.**

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

71 **SECTION 2. Amendments.**

72 Chapter 8 "BUILDINGS, CONSTRUCTION AND CONDOMINIUMS" Article III
73 "FLOODPLAIN MANAGEMENT" is hereby amended to read as:

DIVISION 1. - ADMINISTRATION

...

Sec. 8-74. - 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 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 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 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 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 8-75 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.

(8) For projects proposing to enclose areas under elevated buildings in coastal high hazard areas and Coastal A Zones, and applications for wet floodproofed accessory structures larger than 100 square feet, include signed Declaration of Land Restriction (Non-Conversion Agreement); the Non-Conversion Agreement shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

(e) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this 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. A one-time extension of not more than 180 days shall may be requested in writing and justifiable cause shall be demonstrated by applicant.

(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 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 South Florida Water Management District; F.S. § 373.036.

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

(3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.

(4) Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.

(5) 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.

(6) Federal permits and approvals.

...

Sec. 8-80. - Definitions.

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

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.

190 *Base flood.* A flood having a one-percent chance of being equaled or exceeded in
191 any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly
192 referred to as the "100-year flood" or the "one-percent-annual chance flood."

193 *Base flood elevation.* The elevation of the base flood, including wave height, relative
194 to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum
195 (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined
196 in FBC, B, Section 1612.2.]

197 *Basement.* The portion of a building having its floor subgrade (below ground level)
198 on all sides. [Also defined in FBC, B, Section 1612.2.]

199 *Coastal A zone.* Flood hazard areas that are:

- 200 (1) Seaward of SR A1A and designated on the flood insurance rate map as zone
201 A, AE, AO, A1-A30, AE, A99, or AH.
- 202 (2) Landward of a zone V where the inland limit of breaking wave heights greater
203 than or equal to one and one-half feet is delineated on the FIRM.

204 *Coastal construction control line.* The line established by the State of Florida
205 pursuant to F.S. § 161.053 and recorded in the official records of the community, which
206 defines that portion of the beach-dune system subject to severe fluctuations based on a
207 100-year storm surge, storm waves or other predictable weather conditions.

208 *Coastal high hazard area.* A special flood hazard area extending from offshore to
209 the inland limit of a primary frontal dune along an open coast and any other area subject
210 to high velocity wave action from storms or seismic sources. Coastal high hazard areas
211 are also referred to as "high hazard areas subject to high velocity wave action" or "V
212 zones" and are designated on flood insurance rate maps (FIRM) as zone V1-V30, VE,
213 or V. [Note: The FBC, B, defines and uses the term "flood hazard areas subject to high
214 velocity wave action" and the FBC, R, uses the term "coastal high hazard areas."]

215 Critical facility. Hospitals, nursing homes, medical services facilities, convalescent
216 and assisted living facilities; police stations, fire stations, storage of critical records;
217 government buildings and law enforcement offices; evacuation shelters and emergency
218 operation centers that are needed for flood response activities before, during, or after a
219 flood; and public and private utility (water and wastewater) facilities that are vital to
220 maintaining or restoring normal services to flooded areas before, during, and after a
221 flood; radio/cellular/TV towers; schools and universities; landfills; and structures or
222 facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or
223 water-reactive materials.

224 *Crown of road.* The elevation of the highest surface of street pavement within the
225 right-of-way abutting the property relative to the National Geodetic Vertical Datum
226 (NGVD) or North America Vertical Datum (NAVD) or otherwise approved by the city
227 engineer.

228 Declaration of land restriction (Non-Conversion Agreement). A form agreement
229 provided by the Floodplain Administrator to be reviewed, signed, and recorded by the
230 owner with the property deed in the Official Public Records of Broward County, pursuant
231 to which the owner agrees not to convert or modify enclosures in any manner that is

232 inconsistent with the terms of the building permit and regulations relating to enclosures
233 below elevated buildings and accessory structures.

234 *Design flood.* The flood associated with the greater of the following two areas: [Also
235 defined in FBC, B, Section 1612.2.]

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

240 *Design flood elevation.* The elevation of the "design flood," including wave height,
241 relative to the datum specified on the community's legally designated flood hazard map.
242 In areas designated as zone AO, the design flood elevation shall be the elevation of the
243 highest existing grade of the building's perimeter plus the depth number (in feet)
244 specified on the flood hazard map. In areas designated as zone AO where the depth
245 number is not specified on the map, the depth number shall be taken as being equal to
246 two feet. [Also defined in FBC, B, Section 1612.2.]

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

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

254 *Existing building and existing structure.* Any buildings and structures for which the
255 "start of construction" commenced before November 24, 1972. [Also defined in FBC, B,
256 Section 1612.2.]

257 *Existing manufactured home park or subdivision.* A manufactured home park or
258 subdivision for which the construction of facilities for servicing the lots on which the
259 manufactured homes are to be affixed (including, at a minimum, the installation of
260 utilities, the construction of streets, and either final site grading or the pouring of
261 concrete pads) is completed before November 24, 1972.

262

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

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

270 *Flood or flooding.* A general and temporary condition of partial or complete
271 inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

- 272 (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 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) The area within a floodplain subject to a one-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 1612.2.]

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 1612.2.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this article (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 article.

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 foot. [Also defined in FBC, B, Section 1612.2.]

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

314 facilities, port facilities that are necessary for the loading and unloading of cargo or
315 passengers, and ship building and ship repair facilities; the term does not include long-
316 term storage or related manufacturing facilities.

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

319 *Historic structure.* Any structure that is determined eligible for the exception to the
320 flood hazard area requirements of the Florida Building Code, Existing Building, Chapter
321 11 Historic Buildings.

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

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

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

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

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

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

- 349 (1) Designed primarily for purposes of transportation of property or is a derivation
350 of such a vehicle, or
- 351 (2) Designed primarily for transportation of persons and has a capacity of more
352 than 12 persons; or
- 353 (3) Available with special features enabling off-street or off-highway operation and
354 use.

355 *Lowest floor.* The lowest floor of the lowest enclosed area of a building or structure,
356 including basement, but excluding any unfinished or flood-resistant enclosure, other
357 than a basement, usable solely for vehicle parking, building access or limited storage
358 provided that such enclosure is not built so as to render the structure in violation of the
359 non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in
360 FBC, B, Section 1612.2.]

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

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

368 ~~Market value. The price at which a property will change hands between a willing~~
369 ~~buyer and a willing seller, neither party being under compulsion to buy or sell and both~~
370 ~~having reasonable knowledge of relevant facts. As used in this article, the term refers to~~
371 ~~the market~~ The value of buildings and structures, excluding the land and other
372 improvements on the parcel. Market value ~~may be established by a qualified~~
373 ~~independent appraiser, is the~~ actual cash value (in-kind replacement cost depreciated
374 for age, wear and tear, neglect, and quality of construction) determined by a qualified
375 independent appraiser, or tax assessment value adjusted to approximate market value
376 by a factor provided by the property appraiser.

377 *New construction.* For the purposes of administration of this article and the flood
378 resistant construction requirements of the Florida Building Code, structures for which
379 the "start of construction" commenced on or after November 24, 1972, and includes any
380 subsequent improvements to such structures.

381 ~~*New manufactured home park or subdivision.* A manufactured home park or~~
382 ~~subdivision for which the construction of facilities for servicing the lots on which the~~
383 ~~manufactured homes are to be affixed (including at a minimum, the installation of~~
384 ~~utilities, the construction of streets, and either final site grading or the pouring of~~
385 ~~concrete pads) is completed on or after November 24, 1972.~~

386 *Park trailer.* A transportable unit which has a body width not exceeding 14 feet and
387 which is built on a single chassis and is designed to provide seasonal or temporary
388 living quarters when connected to utilities necessary for operation of installed fixtures
389 and appliances. [Defined in F.S. § 320.01.]

390 *Recreational vehicle.* A vehicle, including a park trailer, which is: [See F.S. §
391 320.01.]

- 392 (1) Built on a single chassis;
393 (2) Four hundred square feet or less when measured at the largest horizontal
394 projection;
395 (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.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a one-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 1612.2.]

Start of construction. The date of issuance of permits for new construction and substantial improvements to existing structures, 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, [or] 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 1612.2.]

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 49 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B, Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 49 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 1612.2.]

- (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.

Variance. A grant of relief from the requirements of this article, 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 article or the Florida Building Code.

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

440 **Cross reference—** Definitions generally, § 1-2.

441 DIVISION 3. - FLOOD RESISTANT DEVELOPMENT

442 Sec. 8-81. - Buildings and structures.

443 (a) *Design and construction of buildings, structures and facilities exempt from the*
444 *Florida Building Code.* Pursuant to section 8-74(c) of this article, buildings,
445 structures, and facilities that are exempt from the Florida Building Code, including
446 substantial improvement or repair of substantial damage of such buildings,
447 structures and facilities, shall be designed and constructed in accordance with the
448 flood load and flood resistant construction requirements of ASCE 24. Structures
449 exempt from the Florida Building Code that are not walled and roofed buildings shall
450 comply with the requirements of section 8-87 of this article.

451 (b) *Buildings and structures seaward of the coastal construction control line.* If
452 extending, in whole or in part, seaward of the coastal construction control line and
453 also located, in whole or in part, in a flood hazard area:

454 (1) Buildings and structures shall be designed and constructed to comply with the
455 more restrictive applicable requirements of the Florida Building Code, Building
456 Section 3109 and Section 1612 or Florida Building Code, Residential Section
457 R322.

458 (2) Minor structures and non-habitable major structures as defined in F.S. §
459 161.54 shall be designed and constructed to comply with the intent and
460 applicable provisions of this article and ASCE 24.

461 (c) *Specific methods of construction and requirements.* Pursuant to Broward County
462 Administrative Provisions for the Florida Building Code, the following specific
463 methods of construction and requirements apply.

464 (1) Additional elevation (freeboard) for buildings in special flood hazard areas:

465 a. ~~For new construction of one and two family dwellings, and residential~~
466 ~~occupancy the minimum elevation requirements in the Florida Building~~
467 ~~Code, Residential, shall be to or above the base flood elevation plus one~~
468 ~~foot or a minimum of eighteen inches above the highest adjacent crown of~~
469 ~~road or site grade, whichever is higher.~~

470 b. ~~For all other new construction, the minimum elevation requirements in the~~
471 ~~Florida Building Code, Building, or a minimum of 4 six inches above the~~
472 ~~highest adjacent crown of road or site grade, whichever is higher, shall~~
473 ~~apply.~~

474 a. Residential buildings. New construction and substantial
475 improvement/substantial damage of residential buildings shall have the
476 lowest floor, including basement, elevated to or above the elevation as

required in the Florida Building Code or at least 18 inches above the highest point of the crown of road of all existing streets adjacent to the plot upon which all other buildings are located, whichever results in the highest elevation.

b. Nonresidential buildings. New construction and substantial improvement/substantial damage of nonresidential buildings shall have the lowest floor, including basement, elevated or dry floodproofed to or above the elevation required in the Florida Building Code, Building or at least six inches above the highest point of the crown of road of all existing streets adjacent to the plot upon which all other buildings are located, whichever results in the highest elevation.

c. Critical facilities buildings. New construction and substantial improvement/substantial damage of critical facilities buildings shall have the lowest floor, including basement, elevated or dry flood-proofed to or above the base flood elevation plus two feet, or the 500-year flood elevation, or at least 24 inches above the highest point of the crown of road of all existing streets adjacent to the plot upon which all other buildings are located, whichever results in the highest elevation.

(2) Additional elevation of buildings outside the special flood hazard areas (i.e., zone X):

~~a. For new construction of one and two family dwellings, the lowest floor shall be a minimum of eight inches above the highest adjacent crown of road or site grade, whichever is higher.~~

~~b. For all other new construction, the lowest floor shall be a minimum of four inches above the highest crown of the road or site grade, whichever is higher.~~

a. Residential buildings. New construction of residential buildings shall have the lowest floor, including basement, elevated to 8 inches or above the highest point of the crown of road of all existing streets adjacent to the plot upon which all other buildings are located.

b. Nonresidential buildings. New construction of nonresidential buildings shall have the lowest floor, including basement, elevated or dry floodproofed to six inches or above the highest point of the crown of road of all existing streets adjacent to the plot upon which all other buildings are located, whichever results in the highest elevation.

c. Critical facilities. New construction of critical facilities shall have the lowest floor, including basement, elevated or dry flood-proofed to or above the base flood elevation plus two feet, or the 500-year flood elevation, or at least 24 inches above the highest point of the crown of road of all existing streets adjacent to the plot upon which all other buildings are located, whichever results in the highest elevation.

(3) Coastal A Zone. The requirements for buildings in coastal high hazard areas (Zone V) shall apply in Coastal A Zones and backfilled stem wall foundations and

dry floodproofing are not permitted. ~~Elevations for substantial improvement/substantial damage in special flood hazard areas:~~

a. ~~For all one and two family dwellings, the minimum elevation requirements shall be to or above the base flood elevation.~~

b. ~~For all other buildings, the minimum elevation requirements of the Florida Building Code, Building, shall apply.~~

(4) Non-Conversion agreements. Applications for elevated buildings in coastal high hazard areas and Coastal A Zones that include enclosures below the elevated floors, and applications for accessory structures larger than 100 square feet, shall include a Declaration of Land Restriction (Non-Conversion Agreement). ~~Elevations for substantial improvement/substantial damage outside the special flood hazard areas (i.e., zone X) shall have minimum elevation requirements for all buildings that are equal to or higher than the existing lowest floor.~~

(5) Limitations on enclosed areas below elevated buildings. For buildings in special flood hazard areas, the following limitations apply to enclosed areas below elevated buildings:

a. Access shall be the minimum necessary to allow for only parking of vehicles (garage door), limited storage of maintenance equipment in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator).

b. The interior portion shall not be temperature controlled, partitioned, or finished into separate room.

(6) Substantial damage and substantial improvement. In the Florida Building Code, Building and Florida Building Code, Existing Building, definitions for the terms "substantial damage" and "substantial improvement" shall be as follows:

a. 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 49 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B, Section 1612.2.]

b. Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 49 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 1612.2.]

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.
- (d) Accessory structures. Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:
- (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
 - (2) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.
 - (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
 - (4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
 - (5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

...

Sec. 8-84. - 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 Chapter 15C-1, F.A.C. and the requirements of this article. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements. Pursuant to section 17-25, no manufactured home shall be placed in a coastal high-hazard area, except in an existing manufactured home park or existing manufactured home subdivision. Manufactured homes shall comply with section 17-25.
- (b) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
- (1) In flood hazard areas (zone A) other than coastal high hazard areas and coastal A zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this article.
 - (2) In coastal high hazard areas (zone V) and coastal A zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this article.
- (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 section 8-84(e) or (f) of this article, as applicable. All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone).~~

~~(e) *General elevation requirement.* Unless subject to the requirements of section 8-84(f) of this article, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (zone A) or Section R322.3 (zone V and coastal A zones) and section 8-81(c) of this article.~~

~~(f) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to section 8-84(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, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (zone A) or Section R322.3 (zone V and coastal A zones); or~~

~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

~~(e) (g) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.~~

~~(f) (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, as applicable to the flood hazard area.~~

SECTION 3. Conflict. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 4. Severability. In the event that any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED ON 1ST reading on _____, 2021.

PASSED AND ADOPTED ON 2ND reading on _____, 2021.

JOY COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

JENORGEN M. GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM

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676
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JENNIFER MERINO
CITY ATTORNEY