

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

ORDINANCE NO. 2016-07

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PERTAINING TO THE VILLAGE'S PARTICIPATION IN THE COMMUNITY RATING SYSTEM, "CRS"; ADDING REQUIRED ELEMENTS AND PROVIDING FOR OTHER ELEMENTS THAT MAY HAVE THE NET EFFECT OF LOWERING FLOOD INSURANCE PREMIUMS FOR THE RESIDENTS OF PALMETTO BAY; AMENDING, PURSUANT TO SECTION 30-30.7(b), SECTION 30-100.6, ENTITLED "FLOODPLAIN MANAGEMENT REGULATIONS" OF THE VILLAGE'S LAND DEVELOPMENT REGULATIONS; AND AMENDING, PURSUANT TO SECTION 553.73(5) OF THE FLORIDA BUILDING CODE, LOCAL ADMINISTRATIVE AND LOCAL TECHNICAL PROVISIONS OF THE FLORIDA BUILDING CODE PERTAINING TO THE DESIGN AND CONSTRUCTION OF BUILDINGS AND STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay is concerned with the health, safety, and welfare of its residents; and,

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

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

WHEREAS, the Village was accepted for participation in the National Flood Insurance Program on October 6, 2008 and the Village Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, Chapter 553, Florida Statutes, allows for local administrative amendments to the *Florida Building Code* which provide for more stringent requirements than those specified in the Code; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

ORDINANCE NO. 2016-24

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, PERTAINING TO THE VILLAGE'S PARTICIPATION IN THE COMMUNITY RATING SYSTEM, "CRS"; AMENDING SECTION 30-100(6), SECTION 30-100.6, ENTITLED "FLOODPLAIN MANAGEMENT REGULATIONS" OF THE VILLAGE'S LAND DEVELOPMENT REGULATIONS; AND AMENDING, PURSUANT TO SECTION 553.73(5) OF THE FLORIDA BUILDING CODE, THE LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE PERTAINING TO THE DESIGN AND CONSTRUCTION OF BUILDINGS AND STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR ORDINANCES IN CONFLICT, REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Administration)

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay are concerned with the health, safety, and welfare of its residents; and,

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

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

WHEREAS, the Village was accepted for participation in the National Flood Insurance Program on February 2, 2005 and the Village Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, the Village Council has reviewed the criteria of 30-30.7(b) and find the amendments to Section 2 of this Ordinance to be in compliance with the applicable standards; and

WHEREAS, the Village Council previously adopted requirements to increase the minimum elevation requirement, to require accumulation of costs of improvements and repairs of buildings based on issued building permits over a 5-year period, and to require buildings that sustain repetitive flood damage over a 10-year period to be included in the definition of "substantial damage" for buildings and structures in flood hazard areas, and, pursuant to Chapter

1 8 Article III of the Miami-Dade County Code and section 553.7(5), F.S., is formatting those
2 requirements to coordinate with the Florida Building Code; and
3

4 **WHEREAS**, the Village Council is adopting a requirement to require declarations of
5 land restriction (nonconversion agreements) for enclosures below elevated buildings in flood
6 hazard areas, and, pursuant to Chapter 8 Article III of the Miami-Dade County Code and section
7 553.7(5), F.S., is formatting that requirement to coordinate with the Florida Building Code; and
8

9 **WHEREAS**, the Mayor and Village Council now desires to adopt the ordinance as
10 provided below.
11

12 **NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND COUNCIL**
13 **OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
14

15 **Section 1.** The foregoing whereas clauses are incorporated herein by reference and
16 made a part hereof.
17

18 **Section 2.** Pursuant to 30-30.7(b) the Village Council finds the ordinance in
19 compliance with the applicable standards; and, therefore, Section 30-100.6 of the Code of
20 Ordinances of the Village of Palmetto Bay is amended to read as follows:
21

22 **30-100.6 FLOODPLAIN MANAGEMENT REGULATIONS.**
23

24 (a) **General Provisions.**
25

26 (2) *Scope.* The provisions of this section shall apply to all development that is wholly
27 within or partially within any flood hazard area except as otherwise specified in
28 Section w(2) below, and including but not limited to the subdivision of land;
29 filling, grading, and other site improvements and utility installations; construction,
30 alteration, remodeling, enlargement, improvement, replacement, repair, relocation
31 or demolition of buildings, structures, and facilities that are exempt from the
32 Florida Building Code; placement, installation, or replacement of manufactured
33 homes and manufactured buildings; installation or replacement of tanks;
34 placement of recreational vehicles; installation of swimming pools; and any other
35 development.
36

37 * * *

38
39
40 (4) *Coordination with the Florida Building Code.* This section is intended to be
41 administered and enforced in conjunction with the *Florida Building Code*. ~~Where~~
42 ~~section numbers of the Florida Building Code are cited, the section numbers refer to~~
43 ~~the 2010 Florida Building Code. If cited section numbers are changed in subsequent~~
44 ~~editions of the code, then the Section numbers shall refer to comparable sections.~~
45 Where cited, ASCE 24 refers to the edition of the standard that is referenced by
46 the *Florida Building Code*.
47

48 * * *

1
2 (i) *Floodplain management records.* Regardless of any limitation on the period required for
3 retention of public records, the floodplain administrator shall maintain and permanently
4 keep and make available for public inspection all records that are necessary for the
5 administration of this section and the flood resistant construction requirements of the
6 *Florida Building Code*, including flood insurance rate maps; letters of map change; records
7 of issuance of permits and denial of permits; determinations of whether proposed work
8 constitutes substantial improvement or repair of substantial damage; required design
9 certifications and documentation of elevations specified by the *Florida Building Code* and
10 this section; notifications to adjacent communities, FEMA, and the state related to
11 alterations of watercourses; assurances that the flood carrying capacity of altered
12 watercourses will be maintained; documentation related to appeals and variances,
13 including justification for issuance or denial; and records of enforcement actions taken
14 pursuant to this section and the flood resistant construction requirements of the *Florida*
15 *Building Code*. These records shall be available for public inspection at Village Hall, 9705
16 East Hibiscus Street, Building Department, Palmetto Bay, Florida 33157.

17
18 * * *

19
20 (l) **Buildings, structures and facilities exempt from the *Florida Building Code*.**
21 Pursuant to the requirements of federal regulation for participation in the National Flood
22 Insurance Program (44 C.F.R. Section 59 and 60), floodplain development permits or approvals
23 shall be required for the following buildings, structures and facilities that are exempt from the
24 *Florida Building Code* and any further exemptions provided by law, which are subject to the
25 requirements of this section:

26
27 * * *

28
29 (m) **Application for a permit or approval.** To obtain a floodplain development permit or
30 approval the applicant shall first file an application in writing on a form furnished by the
31 community. The information provided shall:

32
33 * * *

34
35 (6) For projects proposing to enclose areas under elevated buildings, a signed
36 Nonconversion Agreement; the agreement shall be recorded on the property deed
37 prior to issuance of the Certificate of Occupancy.

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

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

40
41
42 * * *

43 (r) **Site Plans and Construction Documents.** ~~All new construction, repairs of substantial~~
44 ~~damage, and substantial improvements shall provide a freeboard of one (1) foot above base~~
45 ~~flood elevation. For those lands above base flood elevation, finished floor shall be eight (8)~~
46 ~~inches above the average height of the crown of the road. In addition, all~~ All site plans and
47 construction documents shall comply with the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

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

* * *

ii. 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 Section 30-100.6(r)(2)(ii) or (iii) of this section.

* * *

(2) **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:

* * *

iii. 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:

* * *

(B) Specify that the base flood elevation is ~~one (1) foot~~ two (2) 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 ~~one (1) foot~~ two (2) feet. ~~In all cases the finished floor shall not be less than eight (8) inches above the average height of the crown of road.~~

* * *

(3) **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:

i. 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

1 development activities that do increase base flood elevations, the applicant
2 shall submit such analysis to FEMA as specified in Section 30-100.6(r)(4)
3 of this section and shall submit the Conditional Letter of Map Revision, if
4 issued by FEMA, with the site plan and construction documents.

5
6 * * *

- 7
8 iii. For alteration of a watercourse, an engineering analysis prepared in
9 accordance with standard engineering practices which demonstrates that
10 the flood-carrying capacity of the altered or relocated portion of the
11 watercourse will not be decreased, and certification that the altered
12 watercourse shall be maintained in a manner which preserves the
13 channel's flood-carrying capacity; the applicant shall submit the analysis to
14 FEMA as specified in Section 30-100.6(r)(4) of this section.

15 * * *

16
17 (s) **Inspections**

18 * * *

- 19
20
21 (4) **Buildings, structures, and facilities exempt from the *Florida Building***
22 ***Code, lowest floor inspection.*** Upon placement of the lowest floor, including
23 basement, and prior to further vertical construction, the owner of a building ~~or,~~
24 structure or facility exempt from the *Florida Building Code*, or the owner's
25 authorized agent, shall submit to the floodplain administrator:

26 * * *

- 27
28 ii. If the elevation used to determine the required elevation of the lowest
29 floor was determined in accordance with subsection 30-100.6(r)(2)(iii)(B)
30 of this section, the documentation of height of the lowest floor above
31 highest adjacent grade, prepared by the owner or the owner's authorized
32 agent.

- 33
34 (5) **Buildings, structures, and facilities exempt from the *Florida Building***
35 ***Code, final inspection.*** As part of the final inspection, the owner or owner's
36 authorized agent shall submit to the floodplain administrator a final certification
37 of elevation of the lowest floor or final documentation of the height of the lowest
38 floor above the highest adjacent grade; such certifications and documentations
39 shall be prepared as specified in Section 30-100.6(~~us~~)(4) of this section.

40 * * *

41
42
43 (t) **Variances And Appeals**

44 * * *

- 45
46
47 (4) **Restrictions in floodways.** A variance shall not be issued for any proposed
48 development in a floodway if any increase in base flood elevations would result,

1 as evidenced by the applicable analyses and certifications required in Section 30-
2 100.6(r)(3) of this ordinance.

- 3
4 (5) **Historic buildings.** A variance is authorized to be issued for the repair,
5 improvement, or rehabilitation of a historic building that is determined eligible for
6 the exception to the flood resistant construction requirements of the *Florida*
7 *Building Code, Existing Building, Chapter 44—12 Historic Buildings*, upon a
8 determination that the proposed repair, improvement, or rehabilitation will not
9 preclude the building's continued designation as a historic building and the
10 variance is the minimum necessary to preserve the historic character and design
11 of the building. If the proposed work precludes the building's continued
12 designation as a historic building, a variance shall not be granted and the building
13 and any repair, improvement, and rehabilitation shall be subject to the
14 requirements of the *Florida Building Code*.

15 * * *

- 16
17
18 (8) *Conditions for issuance of variances.* Variances shall be issued only upon:

19 * * *

- 20
21
22 iv. If the request is for a variance to allow construction of the lowest floor of
23 a new building, or substantial improvement of a building, below the
24 required elevation a copy in the record of a written notice from the
25 floodplain administrator to the applicant for the variance, specifying the
26 difference between the base flood elevation and the proposed elevation of
27 the lowest floor, stating that the cost of federal flood insurance will be
28 commensurate with the increased risk resulting from the reduced floor
29 elevation (up to amounts as high as \$25.00 for \$100.00 of insurance
30 coverage), and stating that construction below the base flood elevation
31 increases risks to life and property.

32 * * *

- 33
34
35 (v) **Definitions - Generally**

36 * * *

- 37
38
39 (4) **Definitions**

40 * * *

41
42
43 **Appeal.** A request for a review of the floodplain administrator's interpretation of any provision
44 of this section ~~or a request for a variance.~~

45 * * *

1 **Coastal high hazard area.** A special flood hazard area extending from offshore to the inland
2 limit of a primary frontal dune along an open coast and any other area subject to high velocity
3 wave action from storms or seismic sources. Coastal high hazard areas are also referred to as
4 "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on
5 flood insurance rate maps (FIRM) as Zone V1—V30, VE, or V. [~~Note: the FBC, B defines and~~
6 ~~uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the~~
7 ~~term "coastal high hazard areas."~~]

8
9 * * *

10
11 **Crown of Road.** The elevation of the highest surface of street pavement within the right-of-way
12 abutting the property relative to the National Geodetic Vertical Datum (NGVD) or North
13 America Vertical Datum (NAVD). Depending on site conditions, if there is a variation in the
14 crown elevations abutting the property, the highest and lowest elevations may be averaged to
15 obtain the regulatory crown elevation provided the elevation is above the base flood elevation.

16
17 * * *

18
19 **Expansion to an existing manufactured home park or subdivision.** The preparation of
20 additional sites by the construction of facilities for servicing the lots on which the manufactured
21 homes are to be affixed (including the installation of utilities, the construction of streets, and
22 either final site grading ~~of~~ or the pouring of concrete pads).

23
24 * * *

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

28
29 * * *

30
31 **Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure, including
32 basement, but excluding any unfinished or flood-resistant enclosure, other than a basement,
33 usable solely for vehicle parking, building access or limited storage provided that such enclosure
34 is not built so as to render the structure in violation of the non-elevation requirements of the
35 Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

36
37 * * *

38 **Nonconversion Agreement.** A form provided by the Floodplain Administrator to be signed by
39 the owner and recorded on the property deed in Official Records of the Clerk of Courts, for the
40 owner to agree not to convert or modify in any manner that is inconsistent with the terms of the
41 building permit and these regulations, enclosures below elevated buildings.

42
43 * * *

44
45 **Start of construction.** The date of issuance of permits for new construction and substantial
46 ~~improvements to existing structures~~, provided the actual start of construction, repair,
47 reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of
48 the date of the issuance. The actual start of construction means either the first placement of

1 permanent construction of a building (including a manufactured home) on a site, such as the
2 pouring of slab or footings, the installation of piles, the construction of columns.

3
4 * * *

5
6 **Substantial improvement.** Any combination of repair, reconstruction, rehabilitation, addition,
7 or other improvement of a building or structure taking place during a five (5) year period, the
8 cumulative cost of which equals or exceeds 50 percent of the market value of the building or
9 structure before the improvement or repair is started. For each building or structure, the five (5)
10 year period begins on the date of the first improvement or repair of that building or structure
11 subsequent to March 7, 2016. ~~the effective date of this section.~~ If the structure has incurred
12 "substantial damage," any repairs are considered substantial improvement regardless of the actual
13 repair work performed. The term does not, however, include either: [Also defined in FBC, B,
14 Section 1612.2.]

15
16 * * *

- 17
18 2. Any alteration of a historic structure provided the alteration will not preclude the
19 structure's continued designation as a historic structure ~~and the alteration is~~
20 ~~approved by variance issued pursuant to subsection 30-100.6(v) of this section.~~

21
22 * * *

23
24 (w) **Flood Resistant Development**

25
26 (1) **Buildings and structure.**

- 27 i. **Design and construction of buildings, ~~and structures, and facilities~~**
28 **exempt from the Florida Building Code.** Pursuant to subsection 30-
29 100.6(l) of this section, buildings, structures, and facilities that are exempt
30 from the *Florida Building Code*, including substantial improvement or repair
31 of substantial damage of such buildings, structures and facilities, shall be
32 designed and constructed in accordance with the flood load and flood
33 resistant construction requirements of ASCE 24. Structures exempt from
34 the *Florida Building Code* that are not walled and roofed buildings shall
35 comply with the requirements of subsection 30-100.6(cc) of this section.

36 * * *

37
38 (4) **Specific methods of construction and requirements.** Pursuant to Chapter 8
39 Article III of the Miami-Dade County Code, the following specific methods of
40 construction and requirements apply:

41
42 i. *Additional Elevation of Buildings - Freeboard.*

- 43
44 A. For buildings located in the special flood hazard area, the
45 minimum elevation requirements in the *Florida Building Code* shall
46 be to or above the base flood elevation plus one (1) foot, or the
47 back of the sidewalk elevation plus one (1) foot, or if there is no

1 sidewalk, the elevation of the crown of the road or street abutting
2 such building site plus one (1) foot, whichever is higher.

3 B. For residential buildings not located in the special flood hazard
4 area, the minimum lowest floor elevation requirements shall be a
5 minimum of eight (8) inches above the back of sidewalk elevation,
6 or if there is no sidewalk, a minimum of eight (8) inches above the
7 elevation of the crown of road or street abutting such building site
8 whichever is higher.

9 C. For non-residential buildings not located in the special flood
10 hazard area, the minimum lowest floor elevation shall be a
11 minimum of four (4) inches above the back of sidewalk, or if there
12 is no sidewalk, a minimum of (4) inches above the elevation of the
13 crown of road or street abutting such building site, whichever is
14 higher.

15
16 ii. Limitations on Enclosures Under Elevated Buildings. For buildings, applications
17 for enclosed areas under elevated buildings shall be accompanied by a
18 Nonconversion Agreement. Enclosures shall:

19
20 A. Have the minimum necessary access to allow for parking of
21 vehicles (garage door), limited storage of maintenance equipment
22 used in connection with the premises (standard exterior door), or
23 entry to the elevated building (stairway or elevator).

24 B. Not have the interior portion partitioned or finished into separate
25 rooms.

26
27 iii. Cumulative Substantial Improvement. The definition of “substantial
28 improvement” shall be as follows:

29
30 **Substantial improvement.** Any combination of repair, reconstruction,
31 rehabilitation, addition, or other improvement of a building or structure
32 taking place during a five (5) year period, the cumulative cost of which
33 equals or exceeds 50 percent of the market value of the building or
34 structure before the improvement or repair is started. For each building
35 or structure, the five (5) year period begins on the date of the first
36 improvement or repair of that building or structure subsequent to March
37 7, 2016. If the structure has incurred "substantial damage," any repairs are
38 considered substantial improvement regardless of the actual repair work
39 performed. The term does not, however, include either:

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

44 2. Any alteration of a historic structure provided the alteration will
45 not preclude the structure's continued designation as a historic
46 structure.

47
48 iv. Include repetitive loss in the definition for Substantial Damage. The definition of

1
2 (y) **Manufactured Homes**

3
4 * * *

5
6 (3) **Foundations.** All new manufactured homes and replacement manufactured
7 homes installed in flood hazard areas shall be installed on permanent, reinforced
8 foundations that:

- 9 i. In flood hazard areas (Zone A) other than coastal high hazard areas, are
10 designed in accordance with the foundation requirements of the Florida
11 Building Code, Residential Section R322.2 and this ordinance.
12 Foundations for manufactured homes subject to Section 30-100.6(y)(7) of
13 this ordinance are permitted to be reinforced piers or other foundation
14 elements of at least equivalent strength.

15
16 * * *

17
18 (5) **Elevation.** Manufactured homes that are placed, replaced, or substantially
19 improved shall comply with Section 30-100.6(y)(6)(f)(4)(vi) or 30-
20 100.6(y)(7)(f)(4)(vii) of this ordinance, as applicable.

21
22 (6) **General elevation requirement.** Unless subject to the requirements of Section
23 30-100.6(y)(7)(f)(4)(vii) of this ordinance, all manufactured homes that are placed,
24 replaced, or substantially improved on sites located: (a) outside of a manufactured
25 home park or subdivision; (b) in a new manufactured home park or subdivision;
26 (c) in an expansion to an existing manufactured home park or subdivision; or (d)
27 in an existing manufactured home park or subdivision upon which a
28 manufactured home has incurred "substantial damage" as the result of a flood,
29 shall be elevated such that the bottom of the frame is at or above the elevation
30 required, as applicable to the flood hazard area, in the Florida Building Code,
31 Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).

32
33 (7) **Elevation requirement for certain existing manufactured home parks and**
34 **subdivisions.** Manufactured homes that are not subject to Section 30-
35 100.6(y)(6)(f)(4)(vi) of this ordinance, including manufactured homes that are
36 placed, replaced, or substantially improved on sites located in an existing
37 manufactured home park or subdivision, unless on a site where substantial
38 damage as result of flooding has occurred, shall be elevated such that either the:

- 39 i. Bottom of the frame of the manufactured home is at or above the
40 elevation required, as applicable to the flood hazard area, in the Florida
41 Building Code, Residential Section R322.2 (Zone A) or Section R322.3
42 (Zone V); or
43 ii. Bottom of the frame is supported by reinforced piers or other foundation
44 elements of at least equivalent strength that are not less than 36 inches in
45 height above grade.
46

1 (78) **Enclosures.** Enclosed areas below elevated manufactured homes shall comply
2 with the requirements of the Florida Building Code, Residential Section R322 for
3 such enclosed areas, as applicable to the flood hazard area.
4

5 (89) **Utility equipment.** Utility equipment that serves manufactured homes,
6 including electric, heating, ventilation, plumbing, and air conditioning equipment
7 and other service facilities, shall comply with the requirements of the Florida
8 Building Code, Residential Section R322, as applicable to the flood hazard area.
9

10 (z) **Recreational Vehicles And Park Trailers**

11 * * *

12
13
14 (2) **Permanent Placement.** Recreational vehicles and park trailers that do not meet
15 the limitations in Section 30-100.6(z*)(1) of this section for temporary placement
16 shall meet the requirements of Section 30-100.6(y)(6) or (7) of this section for
17 manufactured homes.
18

19 (aa) **Tanks**

20 * * *

21
22 (2) **Above-ground tanks, not elevated.** Above-ground tanks that do not meet the
23 elevation requirements of Section 30-100.6(+)(aa)(3) of this section shall:
24

25 * * *

26
27 (bb) **Other Development**

28
29 (1) **General requirements for other development.** All development, including
30 man-made changes to improved or unimproved real estate for which specific
31 provisions are not specified in this section or the *Florida Building Code*, shall:
32

33 * * *

34
35 ii. Meet the limitations of Section 30-100.6(w)(aa)(4) of this ordinance if
36 located in a regulated floodway;

37 * * *

38 v. Have mechanical, plumbing, and electrical systems above the design flood
39 elevation or meet the requirements of ASCE 24, except that minimum
40 electric service required to address life safety and electric code
41 requirements is permitted below the design flood elevation provided it
42 conforms to the provisions of the electrical part of building code for wet
43 locations.
44

45 * * *

46
47 (2) **Fences in regulated floodways.** Fences in regulated floodways that have the
48 potential to block the passage of floodwaters, such as stockade fences and wire

1 mesh fences, shall meet the limitations of Section 100.6(w)(aa)(4) of this section.

2
3 (3) **Retaining walls, sidewalks and driveways in regulated floodways.** Retaining
4 walls and sidewalks and driveways that involve the placement of fill in regulated
5 floodways shall meet the limitations of Section 30-100.6(w)(aa)(4) of this
6 ordinance.

7
8 (4) **Roads and watercourse crossings in regulated floodways.** Roads and
9 watercourse crossings, including roads, bridges, culverts, low-water crossings and
10 similar means for vehicles or pedestrians to travel from one side of a watercourse
11 to the other side, that encroach into regulated floodways shall meet the limitations
12 of Section 100.6(w)(aa)(4) of this section. Alteration of a watercourse that is part
13 of a road or watercourse crossing shall meet the requirements of Section 30-
14 100.6(r)(3)(iii) of this section.

15 * * *

16
17
18 (6) **Decks and patios in coastal high hazard areas (Zone V).** In addition to the
19 requirements of the *Florida Building Code*, in coastal high hazard areas decks and
20 patios shall be located, designed, and constructed in compliance with the
21 following:

22 * * *

23
24
25 ii. A deck or patio that is located below the design flood elevation shall be
26 structurally independent from buildings and structures and their
27 foundation systems, and shall be designed and constructed either to
28 remain intact and in place during design flood conditions or to break apart
29 into small pieces to minimize debris during flooding that is capable of
30 causing structural damage to the building or structure or to adjacent
31 buildings and structures.

32 * * *

33
34
35
36
37 **Section 3.** Pursuant to section 553.73(4)(a) and 553.73(5) of the Florida Building Code,
38 the Village Council finds the amendment in compliance with the applicable standards; and,
39 therefore, the technical amendments to the Residential provisions of the Florida Building Code
40 are amended to read as follows:

41 * * *

42
43
44 **~~R322.2.1 Elevation requirements.~~**

45 ~~1. Buildings, structures, and mechanical and electrical systems in flood~~
46 ~~hazard areas not designated as Coastal A Zones shall have the lowest~~
47 ~~floors elevated to or above the base flood elevation plus one (1) foot or~~
48 ~~the design flood elevation, whichever is higher.~~

1 Modify of definitions within in Section 1612.2, as follows:
2

3 ~~**Substantial damage.** Damage of any origin sustained by a structure whereby the~~
4 ~~cost of restoring the structure to its before-damaged condition would equal or~~
5 ~~exceed 50 percent of the market value of the structure before the damage~~
6 ~~occurred. The term also includes flood-related damage sustained by a structure on~~
7 ~~two separate occasions during a 10-year period for which the cost of repairs at the~~
8 ~~time of each such flood event, on average, equals or exceeds 25 percent of the~~
9 ~~market value of the structure before the damage occurred.~~

10
11
12 ~~**Substantial improvement.** Any combination of repair, reconstruction,~~
13 ~~rehabilitation, addition, or other improvement of a building or structure taking~~
14 ~~place during a five (5) year period, the cumulative cost of which equals or exceeds~~
15 ~~50 percent of the market value of the building or structure before the~~
16 ~~improvement or repair is started. For each building or structure, the five (5) year~~
17 ~~period begins on the date of the first improvement or repair of that building or~~
18 ~~structure subsequent to the effective date of this ordinance. If the structure has~~
19 ~~sustained substantial damage, any repairs are considered substantial improvement~~
20 ~~regardless of the actual repair work performed. The term does not, however,~~
21 ~~include either:~~

- 22 1. ~~Any project for improvement of a building required to correct~~
23 ~~existing health, sanitary, or safety code violations identified by the~~
24 ~~building official and that are the minimum necessary to assure safe~~
25 ~~living conditions.~~
26 2. ~~Any alteration of a historic structure provided the alteration will~~
27 ~~not preclude the structure's continued designation as a historic~~
28 ~~structure.~~

29
30 * * *

31
32 Modify of definitions in Section 202, as follows:
33

34 ~~**Substantial damage.** Damage of any origin sustained by a structure whereby the~~
35 ~~cost of restoring the structure to its before-damaged condition would equal or~~
36 ~~exceed 50 percent of the market value of the structure before the damage~~
37 ~~occurred. The term also includes flood-related damage sustained by a structure on~~
38 ~~two separate occasions during a 10-year period for which the cost of repairs at the~~
39 ~~time of each such flood event, on average, equals or exceeds 25 percent of the~~
40 ~~market value of the structure before the damage occurred.~~

41
42
43 ~~**Substantial improvement.** Any combination of repair, reconstruction,~~
44 ~~rehabilitation, addition, or other improvement of a building or structure taking~~
45 ~~place during a five (5) year period, the cumulative cost of which equals or exceeds~~
46 ~~50 percent of the market value of the building or structure before the~~
47 ~~improvement or repair is started. For each building or structure, the five (5) year~~

1 period begins on the date of the first improvement or repair of that building or
2 structure subsequent to the effective date of this ordinance. If the structure has
3 sustained substantial damage, any repairs are considered substantial improvement
4 regardless of the actual repair work performed. The term does not, however,
5 include either:

- 6 1. Any project for improvement of a building required to correct
7 existing health, sanitary, or safety code violations identified by the
8 building official and that are the minimum necessary to assure safe
9 living conditions.
- 10 2. Any alteration of a historic structure provided the alteration will
11 not preclude the structure's continued designation as a historic
12 structure.

13 * * *

14
15
16 **Section 5. Fiscal Impact Statement.** In terms of design, plan application review,
17 construction and inspection of buildings and structures, the cost impact as an overall average is
18 negligible in regard to the local amendments because all development has been subject to the
19 requirements of the local floodplain management ordinance adopted for participation in the
20 National Flood Insurance Program. In terms of lower potential for flood damage, there will be
21 continued savings and benefits to consumers.

22
23 **Section 6. Applicability.** For the purposes of jurisdictional applicability, this ordinance
24 shall apply in the Village of Palmetto Bay. This ordinance shall apply to all applications for
25 development, including building permit applications and subdivision proposals, submitted on or
26 after adoption of this ordinance.

27
28
29 **Section 7. Inclusion into the Code of Ordinances.** It is the intent of the Village Council
30 that the provisions of this ordinance shall become and be made a part of the Village of Palmetto
31 Bay Code of Ordinances, and that the sections of this ordinance may be renumbered or re-
32 lettered and the word "ordinance" may be changed to "Section," "article," "regulation," or such
33 other appropriate word or phrase in order to accomplish such intentions.

34
35 **Section 8. Severability.** If any Section, subsection, sentence, clause or phrase of this ordinance
36 is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not
37 affect the validity of the ordinance as a whole, or any part thereof, other than the part so
38 declared.

39
40 **Section 9. Effective Date.** This ordinance amending the Village's Land Development
41 Regulations shall take effect immediately.

42
43
44 **PASSED and ENACTED** this 7th day of November, 2016.

1 First Reading: October 17, 2016

2
3 Second Reading: November 7, 2016

4
5
6
7 Attest:


8 Missy Arocha
9 Village Clerk


Eugene Flinn
Mayor

10
11
12 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
13 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

14
15
16
17 
18 Dexter W. Lehtinen
19 Village Attorney

20
21
22
23
24 FINAL VOTE AT ADOPTION:

25
26 Council Member Karyn Cunningham YES

27
28 Council Member Tim Schaffer YES

29
30 Council Member Larissa Siegel Lara YES

31
32 Vice-Mayor John DuBois YES

33
34 Mayor Eugene Flinn YES

35
36

1 **WHEREAS**, Section 553.73(5), Florida Statutes, allows adoption of local
2 administrative amendments to the *Florida Building Code* to implement the National Flood
3 Insurance Program; and
4

5 **WHEREAS**, the Village Council has determined that it is in the public interest to
6 amend the floodplain management regulations and the Florida Building Code, in order to
7 qualify for participation in the CRS program and to achieve the highest rating possible to
8 lower flood insurance premiums for its residents; and
9

10 **WHEREAS**, the Village Council have reviewed the criteria of 30-30.7(b) and find
11 the amendments to Section 2 of this Ordinance to be in compliance with the applicable
12 standards; and
13

14 **WHEREAS**, The Village Council finds the proposed amendments to the local
15 administrative amendments to the *Florida Building Code*, as provided at Section 3 of this
16 Ordinance, are not more stringent than necessary to address the need identified, do not
17 discriminate against materials, products or construction techniques of demonstrated
18 capabilities, are in compliance with Section 553.73(4)(a), Florida Statutes, where applicable,
19 and the proposed amendments are in compliance with Section 553.73(5), Florida Statutes,
20 where applicable;
21

22 **WHEREAS**, pursuant to Section 163.3174, *Florida Statutes* the Village Council has
23 been designated as the Local Planning Agency for the Village; and
24

25 **WHEREAS**, on March 7, 2016, the Local Planning Agency approved the proposed
26 ordinance; and
27

28 **WHEREAS**, the Mayor and Village Council now desires to adopt the ordinance as
29 provided below.
30

31 **NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND**
32 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
33

34 **Section 1.** The foregoing whereas clauses are incorporated herein by reference
35 and made a part hereof.
36

37 **Section 2.** Pursuant to 30-30.7(b) the Village Council finds the ordinance in
38 compliance with the applicable standards; and, therefore, Section 30-100.6 of the Code of
39 Ordinances of the Village of Palmetto Bay is amended to read as follows:
40

41 **30-100.6 FLOODPLAIN MANAGEMENT REGULATIONS.**
42

43 (a) **General Provisions.**
44

45 * * *

46
47 (2) **Scope.** The provisions of this section shall apply to all development that is
48 wholly within or partially within any flood hazard area, including but not limited

1 to the subdivision of land; filling, grading, and other site improvements and
2 utility installations; construction, alteration, remodeling, enlargement,
3 improvement, replacement, repair, relocation or demolition of buildings,
4 structures, and facilities that are exempt from the *Florida Building Code*, placement,
5 installation, or replacement of manufactured homes and manufactured buildings;
6 installation or replacement of tanks; placement of recreational vehicles;
7 installation of swimming pools; and any other development.

8 * * *

9
10
11 (5) **Warning.** The degree of flood protection required by this section and the
12 *Florida Building Code*, as amended by this community, is considered the
13 minimum reasonable for regulatory purposes and is based on scientific and
14 engineering considerations. Larger floods can and will occur. Flood heights
15 may be increased by manmade or natural causes. This section does not imply
16 that land outside of mapped special flood hazard areas, or that uses permitted
17 within such flood hazard areas, will be free from flooding or flood damage.
18 The flood hazard areas and base flood elevations contained in the Flood
19 Insurance Study and shown on Flood Insurance Rate Maps and the
20 requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may
21 be revised by the Federal Emergency Management Agency, requiring this
22 community to revise these regulations to remain eligible for participation in the
23 National Flood Insurance Program. No guaranty of vested use, existing use, or
24 future use is implied or expressed by compliance with this section.

25 * * *

26
27
28 (b) **Applicability**

29 * * *

30
31
32 (4) **Submission of additional data to establish flood hazard areas.** To
33 establish flood hazard areas and base flood elevations, pursuant to sections
34 30-100.6(r)(q) ~~—(t)~~ of this section the Floodplain Administrator may require
35 submission of additional data. Where field surveyed topography prepared by
36 a Florida licensed professional surveyor or digital topography accepted by the
37 community indicates that ground elevations:

- 38
39 i. Are below the closest applicable base flood elevation, even in areas
40 not delineated as a special flood hazard area on a FIRM, the area shall
41 be considered as flood hazard area and subject to the requirements of
42 this section and, as applicable, the requirements of the *Florida Building*
43 *Code*.
44 ii. Are above the closest applicable base flood elevation, the area shall
45 be regulated as special flood hazard area unless the applicant obtains
46 a Letter of Map Change that removes the area from the special flood
47 hazard area.
48

* * *

- 1
2
3 (6) **Abrogation and greater restrictions.** This section supersedes any
4 ordinance in effect for management of development in flood hazard areas.
5 However, it is not intended to repeal or abrogate any existing ordinances
6 including but not limited to land development regulations, zoning
7 ordinances, stormwater management regulations, or the Florida Building
8 Code. In the event of a conflict between this section and any other
9 ordinance, the more restrictive shall govern. This section shall not impair
10 any deed restriction, covenant or easement, but any land that is subject to
11 such interests shall also be governed by this section.
12

* * *

13
14
15 (c) **Duties And Powers Of The Floodplain Administrator**

- 16
17 (1) **Designation.** The Village Manager or his/her designee ~~Building Official~~ is
18 designated as the Floodplain Administrator. The Floodplain Administrator
19 may delegate performance of certain duties to other employees.
20

- 21 (2) **General.** The ~~building official~~ Floodplain Administrator is authorized and
22 directed to administer and enforce the provisions of this section ~~and shall be~~
23 ~~the floodplain administrator, which terms shall be interchangeable~~
24 ~~hereinafter.~~ The Floodplain Administrator shall have the authority to render
25 interpretations of this section consistent with the intent and purpose of this
26 section and may establish policies and procedures in order to clarify the
27 application of its provisions. Such interpretations, policies, and procedures
28 shall not have the effect of waiving requirements specifically provided in this
29 section without the granting of a variance pursuant to Section 30-100.6(t)(w)
30 of this ordinance.
31

- 32 (3) **Applications and permits.** The Floodplain Administrator, in coordination
33 with other pertinent offices of the community, shall:
34

* * *

- 35
36
37 viii. Coordinate with and provide comments ~~to the building official~~ to
38 assure that applications, plan reviews, and inspections for building
39 permits for buildings and structures in flood hazard areas comply
40 with the requirements of this section.
41

- 42 (d) ~~Determinations for existing buildings and structures.~~ Substantial
43 improvement and substantial damage determinations. For applications for building
44 permits to improve buildings and structures, including alterations, movement, enlargement,
45 replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial
46 improvements, repairs of substantial damage, and any other improvement of or work on
47 such buildings and structures, the ~~Building Official~~ Division, shall:
48

* * *

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition 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 ~~provisions~~ construction requirements of the *Florida Building Code* and this section 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 30-100.6(t)(w) of this section.

(f) ~~Coordination of Notices~~ **Notices and orders.** The Floodplain Administrator ~~who is the Building Official~~ shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

(g) **Inspections.** The Floodplain Administrator shall make the required inspections as specified in subsection 30-100.6(s)(u) of this section for development that is not subject to the *Florida Building Code*, including buildings, structures, and facilities exempt from the *Florida Building Code*. ~~the~~ The floodplain administrator shall building official inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(h) **Other duties of the Floodplain Administtator.** 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 Section 30-100.6(d) of this ordinance;

* * *

(j) **Permits required.** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this section, 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 section and all other applicable codes and regulations has been satisfied.

1 * * *

2
3 (l) **Buildings, structures and facilities exempt from the *Florida Building Code*.**
4 Pursuant to the requirements of federal regulation for participation in the National Flood
5 Insurance Program (44 C.F.R. Section 59 and 60.3), floodplain development permits or
6 approvals shall be required for the following buildings, structures and facilities that are
7 exempt from the *Florida Building Code* and any further exemptions provided by law, are
8 subject to the requirements of this section:
9

10 * * *

11
12 (m) **Application for a permit or approval.** To obtain a floodplain development permit
13 or approval the applicant shall first file an application in writing on a form furnished by the
14 community. The information provided shall:
15

16 * * *

17
18 (4) Be accompanied by a site plan or construction documents as specified in
19 Section 30-100.6~~(r)~~~~(q)~~ of this section.
20

21 * * *

22
23 (q) **Other permits required.** Floodplain development permits and building permits
24 shall include a condition that all other applicable state or federal permits be obtained before
25 commencement of the permitted development, including but not limited to the following:
26

27 * * *

28
29 (6) Federal permits and approvals.
30

31 (r) **Site Plans and Construction Documents.** All new construction, repairs of
32 substantial damage, and substantial improvements shall provide a freeboard of one (1)
33 foot above base flood elevation. For those lands above base flood elevation, finished
34 floor shall be eight (8) inches above the average height of the crown of the road. In
35 addition, all site plans and construction documents shall comply with the following:
36

37 (1) **-Information for development in flood hazard areas.** The site plan or
38 construction documents for any development subject to the requirements of
39 this section shall be drawn to scale and shall include, as applicable to the
40 proposed development:
41

42 i.(4) Delineation of flood hazard areas, floodway boundaries and flood
43 zone(s), base flood elevation(s), and ground elevations if necessary
44 for review of the proposed development.

45 ii.(2) Where ~~flood hazard areas~~, base flood elevations, or floodway data are
46 not included on the FIRM or in the Flood Insurance Study, they shall
47 be established in accordance with Section 30-100.6(r) of this section.

- 1 iii.(3) Where the parcel on which the proposed development will take place
- 2 will have more than 50 lots or is larger than 5 acres and the base
- 3 flood elevations are not included on the FIRM or in the Flood
- 4 Insurance Study, such elevations shall be established in accordance
- 5 with Section 30-100.6(r)(2)(i) of this section.
- 6 iv.(4) Location of the proposed activity and proposed structures, and
- 7 locations of existing buildings and structures; in coastal high hazard
- 8 areas, new buildings shall be located landward of the reach of mean
- 9 high tide.
- 10 v.(5) Location, extent, amount, and proposed final grades of any filling,
- 11 grading, or excavation.
- 12 vi.(6) Where the placement of fill is proposed, the amount, type, and
- 13 source of fill material; compaction specifications; a description of the
- 14 intended purpose of the fill areas; and evidence that the proposed fill
- 15 areas are the minimum necessary to achieve the intended purpose.
- 16 vii.(7) Delineation of the Coastal Construction Control Line or notation
- 17 that the site is seaward of the coastal construction control line, if
- 18 applicable.
- 19 viii.(8) Extent of any proposed alteration of sand dunes or mangrove stands,
- 20 provided such alteration is approved by the Florida Department of
- 21 Environmental Protection.
- 22 ix.(9) Existing and proposed alignment of any proposed alteration of a
- 23 watercourse.
- 24

25 The Floodplain Administrator is authorized to waive the submission of site plans,
 26 construction documents, and other data that are required by this section but ~~and~~
 27 ~~other that are data~~ not required to be prepared by a registered design professional if
 28 it is found that the nature of the proposed development is such that the review of
 29 such submissions is not necessary to ascertain compliance with this section.

30
 31 (s)(2) **Information in flood hazard areas without base flood elevations**
 32 **(approximate Zone A).** Where flood hazard areas are delineated on the
 33 FIRM and base flood elevation data have not been provided, the Floodplain
 34 Administrator shall:

- 35
- 36 i. ~~Require the applicant to include base flood elevation data prepared in~~
 37 accordance with currently accepted engineering practices.
- 38 ii.(4) Obtain, review, and provide to applicants base flood elevation and
 39 floodway data available from a federal or state agency or other source
 40 or require the applicant to obtain and use base flood elevation and
 41 floodway data available from a federal or state agency or other
 42 source; ~~or~~
- 43 2) ~~Require the applicant to develop base flood elevation data prepared~~
 44 ~~in accordance with currently accepted engineering practices; or~~
- 45 iii.(3) ~~Where base flood elevation and floodway data are not available from~~
 46 ~~another source, where the available data are deemed by the~~
 47 Floodplain Administrator to not reasonably reflect flooding

1 conditions, or where the available data are known to be scientifically
2 or technically incorrect or otherwise inadequate:

3 (A) Require the applicant to include base flood elevation data
4 prepared in accordance with currently accepted engineering
5 practices; or

6 (B) Specify that the base flood elevation is one (1) foot ~~two (2)~~
7 feet above the highest adjacent grade at the location of the
8 development, provided there is no evidence indicating flood
9 depths have been or may be greater than one (1) foot ~~two (2)~~
10 feet. In all cases the finished floor shall not be less than eight
11 (8) inches above the average height of the crown of road.

12 iv.(4) Where the base flood elevation data are to be used to support a
13 Letter of Map Change from FEMA, advise the applicant that the
14 analyses shall be prepared by a Florida licensed engineer in a format
15 required by FEMA, and that it shall be the responsibility of the
16 applicant to satisfy the submittal requirements and pay the processing
17 fees.

18
19 (3)(†) **Additional analyses and certifications.** As applicable to the location and
20 nature of the proposed development activity, and in addition to the
21 requirements of this ~~s~~Section, the applicant shall have the following analyses
22 ~~prepared signed~~ and sealed by a Florida licensed engineer for submission
23 with the site plan and construction documents:

24 i.(1) For development activities proposed to be located in a regulatory
25 floodway, a floodway encroachment analysis that demonstrates that
26 the encroachment of the proposed development will not cause any
27 increase in base flood elevations; where the applicant proposes to
28 undertake development activities that do increase base flood
29 elevations, the applicant shall submit such analysis to FEMA as
30 specified in Section 30-100.6~~(†)~~ of this section and shall submit the
31 Conditional Letter of Map Revision, if issued by FEMA, with the site
32 plan and construction documents.

33 ii.(2) For development activities proposed to be located in a riverine flood
34 hazard area for which base flood elevations are included in the Flood
35 Insurance Study or on the FIRM and floodways have not been
36 designated, a ~~floodway encroachment hydrologic and hydraulic~~
37 ~~analysis' which that~~ demonstrates that the cumulative effect of the
38 proposed development, when combined with all other existing and
39 anticipated flood hazard area encroachments, will not increase the
40 base flood elevation more than one (1) foot at any point within the
41 community. This requirement does not apply in isolated flood
42 hazard areas not connected to a riverine flood hazard area or in flood
43 hazard areas identified as Zone AO or Zone AH.

44 iii.(3) For alteration of a watercourse, an engineering analysis prepared in
45 accordance with standard engineering practices which demonstrates
46 that the flood-carrying capacity of the altered or relocated portion of
47 the watercourse will not be decreased, and certification that the
48 altered watercourse shall be maintained in a manner which preserves

1 the channel's flood-carrying capacity; the applicant shall submit the
2 analysis to FEMA as specified in Section 30-100.6(r)(t) of this
3 section.

4 ~~iv.~~(4) For activities that propose to alter sand dunes or mangrove stands in
5 coastal high hazard areas (Zone V), an engineering analysis that
6 demonstrates that the proposed alteration will not increase the
7 potential for flood damage.

8
9 (4)(a) **Submission of additional data.** When additional hydrologic, hydraulic or
10 other engineering data, studies, and additional analyses are submitted to
11 support an application, the applicant has the right to seek a Letter of Map
12 Change from FEMA to change the base flood elevations, change floodway
13 boundaries, or change boundaries of flood hazard areas shown on FIRMs,
14 and to submit such data to FEMA for such purposes. The analyses shall be
15 prepared by a Florida licensed engineer in a format required by FEMA.
16 Submittal requirements and processing fees shall be the responsibility of the
17 applicant.

18
19 ~~(s)(v)~~ **Inspections**

20
21 (1) General. Development for which a floodplain development permit or
22 approval is required shall be subject to inspection.

23
24 (2)(1) **Development other than buildings and structures.** The Floodplain
25 Administrator shall inspect all development to determine compliance with
26 the requirements of this ordinance and the conditions of issued floodplain
27 development permits or approvals.

28
29 (3)(2) **Buildings, structures, and facilities exempt from the *Florida Building***
30 ***Code.*** The ~~building official~~ floodplain administrator shall inspect buildings,
31 ~~and~~ structures ~~and~~ facilities exempt from the *Florida Building Code* to
32 determine compliance with the requirements of this ordinance and the
33 conditions of issued floodplain development permits or approvals.

34
35 (4)(3) **Buildings, structures, and facilities exempt from the *Florida Building***
36 ***Code, lowest floor inspection.*** Upon placement of the lowest floor,
37 including basement, and prior to further vertical construction, the owner of a
38 building ~~or~~, structure ~~or~~ facility exempt from the *Florida Building Code*, or the
39 owner's authorized agent, shall submit to the ~~building official~~ floodplain
40 administrator.

41
42 * * *

43
44 (5)(4) **Buildings, structures, and facilities exempt from the *Florida Building***
45 ***Code, final inspection.*** As part of the final inspection, the owner or
46 owner's authorized agent shall submit to the ~~building official~~ floodplain
47 administrator a final certification of elevation of the lowest floor or final

1 documentation of the height of the lowest floor above the highest adjacent
2 grade; such certifications and documentations shall be prepared as specified
3 in Section 30-100.6(u)(4) of this section.
4

5 (6) ~~_____~~ **Manufactured homes.** The Floodplain Administrator shall inspect
6 manufactured homes that are installed or replaced in flood hazard areas to
7 determine compliance with the requirements of this ordinance and the
8 conditions of the issued permit. Upon placement of a manufactured home,
9 certification of the elevation of the lowest floor shall be submitted to the
10 Floodplain Administrator.
11

12 ~~(t)(w)~~ **Variances And Appeals**
13

14 * * *

15
16 (2) **Appeals.** The Village Council shall hear and decide appeals when it is
17 alleged there is an error in any requirement, decision, or determination made by the ~~building~~
18 ~~official-floodplain administrator~~ in the administration and enforcement of this ordinance.
19 Any person aggrieved by the decision of the Village Council may appeal such decision to the
20 Circuit Court, as provided by Florida Statutes.
21

22 (3) **Limitations on authority to grant variances.** The Village Council shall
23 base its decisions on variances on technical justifications submitted by applicants, the
24 considerations for issuance in Section 30-100.6~~(t)(v)~~(7) of this section, the conditions of
25 issuance set forth in Section 30-100.6~~(t)(v)~~(8) of this ordinance, and the comments and
26 recommendation of the floodplain administrator and the building official. The Village
27 Council has the right to attach such conditions as it deems necessary to further the purposes
28 and objectives of this ordinance.
29

30 (4) **Restrictions in floodways.** A variance shall not be issued for any proposed
31 development in a floodway if any increase in base flood elevations would
32 result, as evidenced by the applicable analyses and certifications required in
33 Section 30-100.6~~(t)(v)~~(9) of this ordinance.
34

35 * * *

36
37 (6) **Functionally dependent uses.** A variance is authorized to be issued for the
38 construction or substantial improvement necessary for the conduct of a
39 functionally dependent use, as defined in this ordinance, provided the
40 variance meets the requirements of Section 30-100.6~~(t)(v)~~(4), is the minimum
41 necessary considering the flood hazard, and all due consideration has been
42 given to use of methods and materials that minimize flood damage during
43 occurrence of the base flood.
44

45 * * *

46
47 ~~(u)(x)~~ **Violations**
48

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

(1) **Violations.** Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance ~~Any construction or development in a flood hazard area that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this section. 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 section or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.~~

* * *

(v)(y) **Definitions - Generally**

* * *

(4) **Definitions**

* * *

Appeal. A request for a review of the ~~building official's~~ floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

* * *

Building Official. The officer or other designated authority charged with the administration and enforcement of the *Florida Building Code*, or a duly authorized representative. [Also defined in FBC, B, Section 1612.2.] ~~For the purposes of the implementation of the section, the building official is the floodplain administrator.~~

* * *

Encroachment. The ~~advancement or 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 September 29, 1972 ~~October 6, 2008~~. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 29, 1972 ~~August 2, 2004~~. The Village does not contain any existing manufactured home parks or subdivisions.

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

5
6 * * *

7
8 **Floodplain Administrator.** The office or position designated and charged with the
9 administration and enforcement of this ordinance (may be referred to as the Floodplain
10 Manager), ~~who is the building official.~~

11
12 * * *

13
14 **Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas
15 that must be reserved in order to discharge the base flood without cumulatively increasing
16 the water surface elevation more than a ~~designated height one (1) foot.~~ [Also defined in
17 FBC, B, Section 1612.2.]

18
19 * * *

20
21 Freeboard. The additional height, usually expressed as a factor of safety in feet, above a
22 flood level for purposes of floodplain management. "Freeboard" tends to compensate for
23 the many unknown factors, such as wave action, blockage of bridge or culvert openings, and
24 hydrological effect of urbanization of the watershed, which could contribute to flood heights
25 greater than the heights calculated for a selected frequency flood and floodway conditions.

26
27 * * *

28
29 **Lowest floor.** The floor of the lowest enclosed area of a building or structure, including
30 basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle
31 parking, building access or limited storage provided that such enclosure is not built so as to
32 render the structure in violation of the non-elevation requirements of the *Florida Building*
33 *Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

34
35 * * *

36
37 **New construction.** For the purposes of administration of this ordinance and the flood
38 resistant construction requirements of the *Florida Building Code*, structures for which the
39 "start of construction" commenced on or after September 29, 1972 ~~October 6, 2008~~ and
40 includes any subsequent improvements to such structures.

41
42 **New manufactured home park or subdivision.** A manufactured home park or
43 subdivision for which the construction of facilities for servicing the lots on which the
44 manufactured homes are to be affixed (including at a minimum, the installation of utilities,
45 the construction of streets, and either final site grading or the pouring of concrete pads) is
46 completed on or after ~~October 6, 2008~~ September 29, 1972.

47

1 **Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet
2 and which is built on a single chassis and is designed to provide seasonal or temporary living
3 quarters when connected to utilities necessary for operation of installed fixtures and
4 appliances. [Defined in 15G-1.0101, F.A.C. 320.01, Florida Statutes]
5

6 **Recreational vehicle.** A vehicle, including a park trailer, which is: [Defined in Section
7 320.01**(b)**, Florida Statutes)
8

9 * * *

10
11 **Substantial damage.** Damage of any origin sustained by a building or structure whereby the
12 cost of restoring the building or structure to its before-damaged condition would equal or
13 exceed 50 percent of the market value of the building or structure before the damage
14 occurred. The term also includes flood-related damage sustained by a structure on two
15 separate occasions during a 10-year period for which the cost of repairs at the time of each
16 such flood event, on average, equals or exceeds 25 percent of the market value of the
17 structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]
18

19 **Substantial improvement.** Any combination of repair, reconstruction, rehabilitation,
20 addition, or other improvement of a building or structure taking place during a five (5) year
21 period, the cumulative cost of which equals or exceeds 50 percent of the market value of the
22 building or structure before the improvement or repair is started. For each building or
23 structure, the five (5) year period begins on the date of the first improvement or repair of
24 that building or structure subsequent to the effective date of this section. If the structure has
25 incurred "substantial damage," any repairs are considered substantial improvement regardless
26 of the actual repair work performed. The term does not, however, include either: [Also
27 defined in FBC, B, Section 1612.2.]
28

29 * * *

30
31 **Variance.** A grant of relief from the requirements of this ordinance, or the ~~flood load and~~
32 flood resistant construction requirements of the *Florida Building Code*, which permits
33 construction in a manner that would not otherwise be permitted by this ordinance or the
34 *Florida Building Code*.
35

36 * * *

37
38 ~~(y)(z)~~ **Flood Resistant Development**
39

40 * * *

41
42 (2) **Subdivisions**
43

- 44 i. **Minimum requirements.** Subdivision proposals, including
45 proposals for manufactured home parks and subdivisions, shall be
46 reviewed to determine that:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

* * *

(C) 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.

(3) **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:

* * *

iii. Compliance with the site improvement and utilities requirements of subsection ~~(w)~~(z) of this section.

~~(x)~~(aa) **Site Improvements, Utilities And Limitations**

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

* * *

iii. 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.

* * *

(4) **Limitations on sites in regulatory floodways.** No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading shall not be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 30-100.6(r)(2)(s)(4) of this section demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

* * *

(6) **Limitations on sites in coastal high hazard areas (Zone V).** In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 30-100.6(r)(2)iv(s)(4) of this section demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 30-100.6~~(ee)~~(8) of this section.

1
2 (y) Manufactured Homes
3

4 (1) General. All manufactured homes installed in flood hazard areas shall be
5 installed by an installer that is licensed pursuant to section 320.8249, Florida
6 Statutes, and shall comply with the requirements of Chapter 15C-1, F.A.C.
7 and the requirements of this ordinance. If located seaward of the coastal
8 construction control line, all manufactured homes shall comply with the
9 more restrictive of the applicable requirements.

10
11 (2) Limitations on installation in floodways and coastal high hazard areas
12 (Zone V). New installations of manufactured homes shall not be permitted
13 in floodways and coastal high hazard areas (Zone V).

14
15 (3) Foundations. All new manufactured homes and replacement manufactured
16 homes installed in flood hazard areas shall be installed on permanent,
17 reinforced foundations that:

18 i. In flood hazard areas (Zone A) other than coastal high hazard areas,
19 are designed in accordance with the foundation requirements of the
20 Florida Building Code, Residential Section R322.2 and this ordinance.

21 ii. In coastal high hazard areas (Zone V), are designed in accordance
22 with the foundation requirements of the Florida Building Code,
23 Residential Section R322.3 and this ordinance.

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

31
32 (5) Elevation. Manufactured homes that are placed, replaced, or substantially
33 improved shall comply with Section 30-100.6(j)(4)(vi) or 30-100.6(j)(4)(vii) of
34 this ordinance, as applicable.

35
36 (6) General elevation requirement. Unless subject to the requirements of
37 Section 30-100.6(j)(4)(vii) of this ordinance, all manufactured homes that are
38 placed, replaced, or substantially improved on sites located: (a) outside of a
39 manufactured home park or subdivision; (b) in a new manufactured home
40 park or subdivision; (c) in an expansion to an existing manufactured home
41 park or subdivision; or (d) in an existing manufactured home park or
42 subdivision upon which a manufactured home has incurred "substantial
43 damage" as the result of a flood, shall be elevated such that the bottom of the
44 frame is at or above the elevation required, as applicable to the flood hazard
45 area, in the Florida Building Code, Residential Section R322.2 (Zone A) or
46 Section R322.3 (Zone V).
47

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

4 * * *

- 5
6
7 iii. **Above-ground tanks, elevated.** Above-ground tanks in flood
8 hazard areas shall be attached to, and elevated to or above the design
9 flood elevation on a supporting structure that is designed to prevent
10 flotation, collapse ~~or~~ and lateral movement during conditions of the
11 design flood. Tank-supporting structures shall meet the foundation
12 requirements of the applicable flood hazard area.

13 * * *

14
15
16 ~~(bb)(dd)~~ **Other Development**

- 17
18 (1) **General requirements for other development.** All development, including
19 man-made changes to improved or unimproved real estate for which specific
20 provisions are not specified in this section or the *Florida Building Code*, shall:

21 * * *

- 22
23
24 ii. Meet the limitations of Section 30-100.6~~(w)~~~~(z)~~ of this ordinance if
25 located in a regulated floodway;
26 iii. Be anchored to prevent flotation, collapse ~~or~~ and lateral movement
27 resulting from hydrostatic loads, including the effects of buoyancy,
28 during conditions of the design flood;

29 * * *

- 30
31
32 (2) **Fences in regulated floodways.** Fences in regulated floodways that have
33 the potential to block the passage of floodwaters, such as stockade fences
34 and wire mesh fences, shall meet the limitations of Section 30-100.6~~(w)~~~~(z)~~ of
35 this section.

- 36
37 (3) **Retaining walls, sidewalks and driveways in regulated floodways.**
38 Retaining walls and sidewalks and driveways that involve the placement of fill
39 in regulated floodways shall meet the limitations of Section 30-100.6~~(w)~~~~(z)~~~~(4)~~
40 of this ordinance.

- 41
42 (4) **Roads and watercourse crossings in regulated floodways.** Roads and
43 watercourse crossings, including roads, bridges, culverts, low-water crossings
44 and similar means for vehicles or pedestrians to travel from one side of a
45 watercourse to the other side, that encroach into regulated floodways shall
46 meet the limitations of Section 30-100.6~~(w)~~~~(z)~~ of this section. Alteration of a
47 watercourse that is part of a road or watercourse crossing shall meet the
48 requirements of Section 30-100.6~~(t)~~~~(s)~~ of this section.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

* * *

(6) **Decks and patios in coastal high hazard areas (Zone V).** In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

* * *

- ii. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings and structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to adjacent ~~elevated~~ buildings and structures.
- iii. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent elevated buildings and structures.

* * *

(7) **Other development in coastal high hazard areas (Zone V).** In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent ~~elevated~~ buildings and structures. Such other development activities include but are not limited to:

* * *

(8) **Nonstructural fill in coastal high hazard areas (Zone V).** In coastal high hazard areas:

* * *

- ii. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent ~~elevated~~ buildings

1 and structures.

2
3 * * *

4
5 **Section 3.** Pursuant to section 553.73(4)(a) and 553.73(5) of the Florida Building
6 Code, the Village Council finds the amendment in compliance with the applicable standards;
7 and, therefore, the Local Administrative provisions of the Florida Building Code are
8 amended to read as follows:

9 * * *

10 **104.10.1 Modifications of the strict application of the requirements of the**
11 ***Florida Building Code.*** The Building Official shall coordinate with the Floodplain
12 Administrator to review requests submitted to the Building Official that seek approval to
13 modify the strict application of the ~~flood load and~~ flood resistant construction requirements
14 of the *Florida Building Code* to determine whether such requests require the granting of a
15 variance pursuant to Section 117.

16
17 * * *

18 **107.6.1 Building permits issued on the basis of an affidavit.** Pursuant to the
19 requirements of federal regulation for participation in the National Flood Insurance Program
20 (44 C.F.R. Sections 59 and 60) ~~for the National Flood Insurance Program~~, the authority
21 granted to the Building Official to issue permits, to rely on inspections, and to accept plans
22 and construction documents on the basis of affidavits and plans submitted pursuant to
23 105.14 and Section 107.6, shall not extend to the flood load and flood resistance
24 construction requirements of the *Florida Building Code*.

25
26 * * *

27
28 **117 VARIANCES IN FLOOD HAZARD AREAS**

29
30 **117.1 Flood hazard areas.** Pursuant to Section 553.73(5), Florida Statutes, the
31 variance procedures adopted in the local floodplain management ordinance shall apply to
32 requests submitted to the Building Official for variances to the provisions of Section 1612.4
33 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida*
34 *Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building*
35 *Code, Building*.

36
37 * * *

38
39 **Section 4.** Pursuant to section 553.73(4)(a) and 553.73(5) of the Florida Building Code,
40 the Village Council finds the amendment in compliance with the applicable standards; and,
41 therefore, the technical amendments to the Residential provisions of the Florida Building
42 Code are amended to read as follows:

43
44 * * *

45
46 **R322.2.1 Elevation requirements.**

1. Buildings, structures, and mechanical and electrical systems in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus one (1) foot or the design flood elevation, whichever is higher.
2. Buildings, structures, and mechanical and electrical systems in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus one (1) foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings, structures, and mechanical and electrical systems shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus one (1) foot, or at least three (3) feet if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus one (1) foot or the design flood elevation, whichever is higher.

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

* * *

R322.3.2 Elevation requirements.

1. All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is:
 - 1.1 Located at or above the base flood elevation plus one (1) foot or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach, or
 - 1.2 Located at or above the base flood elevation plus two (2) foot or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

1
2 * * *
3

4 **Section 5.** Pursuant to section 553.73(4)(a) and 553.73(5) of the Florida Building Code,
5 the Village Council finds the amendment in compliance with the applicable standards; and,
6 therefore, the technical provisions of the Florida Building Code are amended to read as
7 follows:
8

9 Modify of definitions within in Section 1612.2, as follows:

10
11 **Substantial damage.** Damage of any origin sustained by a structure
12 whereby the cost of restoring the structure to its before-damaged condition
13 would equal or exceed 50 percent of the market value of the structure before
14 the damage occurred. The term also includes flood-related damage sustained
15 by a structure on two separate occasions during a 10-year period for which
16 the cost of repairs at the time of each such flood event, on average, equals or
17 exceeds 25 percent of the market value of the structure before the damage
18 occurred.
19

20
21 **Substantial improvement.** Any combination of repair, reconstruction,
22 rehabilitation, addition, or other improvement of a building or structure
23 taking place during a five (5) year period, the cumulative cost of which equals
24 or exceeds 50 percent of the market value of the building or structure before
25 the improvement or repair is started. For each building or structure, the five
26 (5) year period begins on the date of the first improvement or repair of that
27 building or structure subsequent to the effective date of this ordinance. If the
28 structure has sustained substantial damage, any repairs are considered
29 substantial improvement regardless of the actual repair work performed.
30 The term does not, however, include either:

- 31 1. Any project for improvement of a building required to
32 correct existing health, sanitary, or safety code violations
33 identified by the building official and that are the minimum
34 necessary to assure safe living conditions.
35 2. Any alteration of a historic structure provided the alteration
36 will not preclude the structure's continued designation as a
37 historic structure.
38

39 * * *
40

41 Modify of definitions in Section 202, as follows:
42

43 **Substantial damage.** Damage of any origin sustained by a structure
44 whereby the cost of restoring the structure to its before-damaged condition
45 would equal or exceed 50 percent of the market value of the structure before
46 the damage occurred. The term also includes flood-related damage sustained
47 by a structure on two separate occasions during a 10-year period for which

1 the cost of repairs at the time of each such flood event, on average, equals or
2 exceeds 25 percent of the market value of the structure before the damage
3 occurred.

4
5
6 **Substantial improvement.** Any combination of repair, reconstruction,
7 rehabilitation, addition, or other improvement of a building or structure
8 taking place during a five (5) year period, the cumulative cost of which equals
9 or exceeds 50 percent of the market value of the building or structure before
10 the improvement or repair is started. For each building or structure, the five
11 (5) year period begins on the date of the first improvement or repair of that
12 building or structure subsequent to the effective date of this ordinance. If the
13 structure has sustained substantial damage, any repairs are considered
14 substantial improvement regardless of the actual repair work performed.
15 The term does not, however, include either:

- 16 1. Any project for improvement of a building required to
17 correct existing health, sanitary, or safety code violations
18 identified by the building official and that are the minimum
19 necessary to assure safe living conditions.
- 20 2. Any alteration of a historic structure provided the alteration
21 will not preclude the structure's continued designation as a
22 historic structure.

23
24 * * *

25
26 **Section 7.** **Fiscal Impact Statement.** In terms of design, plan application review,
27 construction and inspection of buildings and structures, the cost impact as an overall average
28 is negligible in regard to the local technical amendments because all development has been
29 subject to the requirements of the local floodplain management ordinance adopted for
30 participation in the National Flood Insurance Program. In terms of lower potential for
31 flood damage, there will be continued savings and benefits to consumers.

32
33 **Section 8.** **Applicability.** For the purposes of jurisdictional applicability, this ordinance
34 shall apply in the Village of Palmetto Bay. This ordinance shall apply to all applications for
35 development, including building permit applications and subdivision proposals, submitted
36 on or after adoption of this ordinance.

37
38 **Section 9.** **Repealer.** Any and all ordinances and regulations in conflict herewith are
39 hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces
40 the following ordinance(s) and regulation(s): Chapter 18, Section 18-1 through 18-34, and
41 30-100.6, as enacted on September 10, 2012.

42
43 **Section 10.** **Inclusion into the Code of Ordinances.** It is the intent of the Village
44 Council that the provisions of this ordinance shall become and be made a part of the Village
45 of Palmetto Bay Code of Ordinances, and that the sections of this ordinance may be
46 renumbered or re-lettered and the word "ordinance" may be changed to "Section," "article,"
47 "regulation," or such other appropriate word or phrase in order to accomplish such
48 intentions.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Section 11. Severability. If any Section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

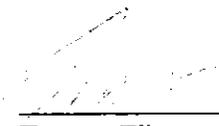
Section 12. Effective Date. The portion of this ordinance amending the Village's Land Development Regulations shall take effect immediately. The portions of this ordinance amending the Administrative and Technical provision of the Florida Building Code shall take effect 30 days after the adoption of this ordinance.

PASSED and ENACTED this 7th day of March, 2016.

First Reading: February 1, 2016

Second Reading: March 7, 2016

Attest: 
Meighan Alexander
Village Clerk


Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:


Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Katryn Cunningham YES
- Council Member Tim Schaffer YES
- Council Member Larissa Siegel Lara YES
- Vice-Mayor John DuBois YES
- Mayor Eugene Flinn YES