



Mayor Eugene Flinn  
Vice Mayor John DuBois  
Council Member Karyn Cunningham  
Council Member Tim Schaffer  
Council Member Larissa Siegel Lara

Village Manager Edward Silva  
Village Attorney Dexter Lehtinen  
Village Clerk Meighan J. Alexander

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Village Clerk at (305) 259-1234 for assistance no later than seven days prior to the meeting.

## VILLAGE LOCAL PLANNING AGENCY MEETING AGENDA

Monday, March 7, 2016 - 7:00 P.M.

Village Hall Chambers, 9705 E. Hibiscus Street

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**
2. **DECORUM STATEMENT:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.
3. **ORDINANCE FOR SECOND READING/PUBLIC HEARING**
  - A. 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. (Included in Regular Council Meeting packet as Item 13 C.)

**4. NEXT MEETING AND ADJOURNMENT**

PURSUANT TO FLORIDA STATUTES 286.0105, THE VILLAGE HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



To: Honorable Mayor and Village Council

Date: March 7, 2016

From: Edward Silva, Village Manager

Re: Floodplain Management Ordinance -  
2<sup>nd</sup> Reading

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.

**UPDATE SINCE FIRST READING:**

This item was heard during First Reading on February 1, 2016 and was approved without any changes or modifications. The remainder of the report regarding this item is as it was submitted on February 1, 2016 (Attachment A).

**RECOMMENDATION:**

Approval is recommended.

Attachments:

(A) Report



Darby P. Delsalle, AICP  
Planning and Zoning Director

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Manager's Report  
for  
Floodplain Management Ordinance

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# ATTACHMENT A



To: Honorable Mayor and Village Council

Date: February 1, 2016

From: Edward Silva, Village Manager

Re: Floodplain Management Ordinance -  
1<sup>st</sup> Reading

**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.**

**BACKGROUND:**

The Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Village of Palmetto Bay that may be subject to periodic inundation which may result in loss of life, 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. The Village was accepted for participation in the National Flood Insurance Program in 2008 (as the Village), and the Village desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation.

The proposed Ordinance includes amendments to Section of 30-100.6, Floodplain Regulations, of the Village's Land Development Regulations (LDRs), and to certain administrative and technical aspects of the Florida Building Code. Amendments to the floodplain regulations are governed by the Chapter 30-30 of the LDRs. 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*. Chapter 553, Florida Statutes, allows for local administrative and technical amendments to the *Florida Building Code* which

provide for more stringent requirements than those specified in the Code. Section 553.73(5), Florida Statutes, specifically allows adoption of local administrative and local technical amendments to the *Florida Building Code* to implement the National Flood Insurance Program and incentives.

The proposed amendments to the floodplain regulations and Florida Building Code are offered in order to bring the Village into eligibility for participation in the Community Rating System (CRS). The CRS eligibility process involves scoring the programs and laws of a jurisdiction that facilitates flood prevention and education. The higher number of points earned, the greater the discount that would apply to the flood insurance premiums of Village residents. The base rating is 10. For every 500 points earned, the overall CRS rating of the Village is reduced by one (1), and the insurance premium reduction increases by 5%. Hence, a rating of 9 equals a 5% reduction, an 8 equals a 10% reduction. The maximum possible insurance premium reduction is 45%. It is the desire of the Village to attain the highest score possible in order to achieve the lowest rating.

The current laws and programs offered by the Village are estimated to be worth approximately 2,220 points for a CRS rating of 6 (20% reduction). However, the Village is not eligible to qualify for the premium reductions at this point because certain existing laws and programs fall short of the minimum requirements for qualification to the CRS program. The elements proposed by the Ordinance, under the "Proposed Changes" of this Memorandum, together with other initiatives proposed with our CRS application, brings our potential point tally to an estimated 5,076 points or CRS rating of 1. This number is an estimate. Final scoring is provided by FEMA and is predicated upon properly documenting all programs and laws proposed and existing and their acceptance of the data. Village staff recommends the adoption of this Ordinance and the implementation of the other programs within the CRS application, which may result in a potential flood insurance premium reduction of 45%.

#### PROPOSED CHANGES:

Village LDRs Floodplain Amendments. The following is a brief description of the proposed changes to section 30-100.6. They are presented in no particular order as each has elements that occur throughout the code.

Manufactured homes. Considerable attention is given to manufactured homes within the proposed ordinance. This despite the fact these building types neither exist nor are not permitted within the Village. The language is included solely for the purpose of earning the points associated with their inclusion into our code.

Tracking of repairs/improvements and repetitive losses. The next item involves the tracking of repairs and repetitive losses. Flood elevation compliance is required for (1) new construction or (2) to improvements/repairs to existing structures that exceed 50% value of the building/structure involved. The proposed revisions provide for tracking improvement and repairs over a five year period to ensure proper enforcement of the intent of the floodplain provisions.

Base flood elevation determinations. Language is provided to include rules to determine base flood elevation in those special cases where there is insufficient data is available.

Freeboard. The minimum FEMA requirement is to ensure zoning and building codes comply with base flood elevations. The "freeboard" requirement compensates for the many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions. The ordinance proposes the finished first floor be a minimum of one (1) feet above the floodplain elevation. The ordinance would apply to new construction, repairs to damages in excess of 50% of the market value of the structure, and additions to existing construction that exceed 50% of the market value of the building being improved.

Reorganization, citation, and other corrections. The remain edits to section 30-100.6 pertain primarily to organization of the code, identification of appropriate citations, and general edits and corrections.

Florida Building Code Amendments. The following is a brief description of the proposed changes to the Florida Building Code. They are presented in no particular order as each has elements that occur throughout the code.

Freeboard. A fuller description of freeboard is provided above. The amendment to the Florida Building Code describes how freeboard is to be applied and under what flood zone designations. The amendment is consistent with that offered in Section 30-100.6 of the LDRs above providing for a one (1) foot freeboard.

Substantial damage definition. Provides a definition of substantial damage and how such information/value is tracked. The rule applied is based on 50% market value as spread over a period of five (5) years.

Substantial improvement definition. This amendment functions in much the same way as the definition element described above. In this case, it is not repairs to damages that are tracked, rather it is the value of improvements that are calculated over a five (5) year period.

#### ANALYSIS:

##### Land Development Regulations Section 30-100.6

The proposed revisions to Division 30-100.6 was reviewed for consistency with the criteria established in Section 30-30.7(b). The following is a review of those criteria:

**Criteria (1):** Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the Village's concurrency Management Program.

**Analysis:** The Comprehensive Plan and the Village's concurrency management plan seeks to ensure future development does not have a dilatory impact on the community and conforms with FEMA guidelines as provided at Objective 4C.1, 4C.2 4C.4, 5.1, 5.3, 5.4, and 5.5 and their corresponding policies applicable thereto. The revisions are consistent with FEMA requirements and the 2014 Florida Building Code, effective June 30, 2015.

**Finding:** Consistent.

**Criteria (2):** Whether the proposal is in conformance with all applicable requirements of Chapter 30.

**Analysis:** The proposed amendment brings the Village's Floodplain management Ordinance into compliance with state law and federal FEMA requirements.

**Findings:** Consistent.

**Criteria (3)** Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether the changes support or work against the proposed change in land use policy.

**Analysis:** The revisions are consistent with FEMA requirements and the 2014 Florida Building Code, effective June 30, 2015.

**Findings:** Consistent.

**Criteria (4)** Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and locations of uses involved, the impact on the adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land uses.

**Analysis:** The proposed ordinance does not change the list of permitted uses within the Village's zoning districts.

**Finding:** Consistent.

**Criteria (5)** Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and service; would exceed the capacity of the facilities and services, existing or programmed, including: transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.

**Analysis:** The proposed Ordinance does not change the list of permitted uses within the Village's zoning districts thus it does not affect the capacity of existing facilities or services as described above. It does affect construction and ensures compliance with federal law (FEMA) and the 2014 Florida Building Code, effective June 30, 2015.

**Finding:** Consistent.

**Criteria (6)** Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of groundwater aquifer wildlife habitats, and vegetative communities.

**Analysis:** The proposed ordinance does not change the list of permitted uses within the Village's zoning districts and it does not affect the natural environment as described above. It does ensure that FEMA requirements are complied with for areas within a floodplain.

**Finding:** Consistent.

**Criteria (7)** Whether, and to the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

**Analysis:** The proposed amendment brings clarity to the Village's procedures as to floodplain management. The changes ensure that insurance can be maintained and is consistent with FEMA and FBC requirements. The revisions would ensure that property values are not affected or adversely affect the general welfare.

**Findings:** Consistent.

**Criteria (8)** Whether the proposal would result in an orderly and compatible land use pattern, Any positive and negative effects on land use patter shall be identified.

**Analysis:** The revisions ensures compliance with federal and state laws and only effects the land development pattern in so far as it seeks to prevent flooding conditions.

**Findings:** Consistent.

**Criteria (9)** Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose of Chapter 30.

**Analysis:** The proposed amendment brings clarity to the Village's floodplain management Ordinance and brings the Village's Code into consistency with FEMA requirements and the 2014 Florida Building Code, effective June 30, 2015.

Findings: Consistent.

Criteria (10) Other matters which the local planning agency or Village Council in its legislative discretion may deem appropriate.

Analysis: Discretion of Village Council.

Finding: As determined by the Village Council.

**ADMINISTRATIVE AND TECHNICAL FLORIDA BUILDING CODE AMENDMENTS:**

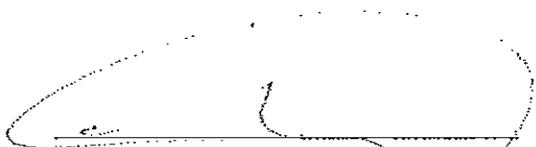
It is in the public interest to adopt the proposed local technical amendments and proposed local administrative amendments to the 2014 Florida Building Code, effective June 30, 2015, and that the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 553.73(4)(a), Florida Statutes, where applicable, and the proposed amendments are in compliance with section 553.73(5), Florida Statutes, where applicable.

**FISCAL/BUDGETARY IMPACT:**

None at this time.

**RECOMMENDATION:**

Approval is recommended.



Darby P. Delsalle, AICP  
Planning and Zoning Director

PROPOSED  
ORDINANCE

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ORDINANCE NO.

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, 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,



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

\* \* \*

(b) **Applicability**

\* \* \*

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

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

\* \* \*

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

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(c) Duties And Powers Of The Floodplain Administrator

- (1) Designation. The Village Manager or his/her designee Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- (2) General. The building official Floodplain Administrator is authorized and directed to administer and enforce the provisions of this section ~~and shall be the floodplain administrator, which terms shall be interchangeable hereinafter.~~ The Floodplain Administrator shall have the authority to render interpretations of this section consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this section without the granting of a variance pursuant to Section 30-100.6(t)(w) of this ordinance.
- (3) Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

\* \* \*

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

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

\* \* \*

- (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

1 resistant provisions construction requirements of the *Florida Building Code* and  
2 this section is required.  
3

4 (e) **Modifications of the strict application of the requirements of the *Florida Building***  
5 ***Code*.** The Floodplain Administrator shall review requests submitted to the Building Official  
6 that seek approval to modify the strict application of the flood load and flood resistant  
7 construction requirements of the *Florida Building Code* to determine whether such requests require  
8 the granting of a variance pursuant to Section 30-100.6(t)(w) of this section.  
9

10 (f) ~~Coordination of Notices~~ **Notices and orders.** The Floodplain Administrator ~~who is~~  
11 ~~the Building Official~~ shall coordinate with appropriate local agencies for the issuance of all  
12 necessary notices or orders to ensure compliance with this section.  
13

14 (g) **Inspections.** The Floodplain Administrator shall make the required inspections as  
15 specified in subsection 30-100.6(s)(~~tt~~) of this section for development that is not subject to the  
16 *Florida Building Code*, including buildings, structures, and facilities exempt from the *Florida Building*  
17 *Code*. ~~the~~ The floodplain administrator shall building official inspect flood hazard areas to  
18 determine if development is undertaken without issuance of a permit.  
19

20 (h) **Other duties of the Floodplain Administrator.** The Floodplain Administrator shall  
21 have other duties, including but not limited to:

- 22 (1) Establish, in coordination with the building official, procedures for administering  
23 and documenting determinations of substantial improvement and substantial  
24 damage made pursuant to Section 30-100.6(d) of this ordinance;  
25

26 \* \* \*

27  
28 (j) **Permits required.** Any owner or owner's authorized agent (hereinafter "applicant")  
29 who intends to undertake any development activity within the scope of this section, including  
30 buildings, structures, and facilities exempt from the *Florida Building Code*, which is wholly within or  
31 partially within any flood hazard area shall first make application to the Floodplain Administrator,  
32 and the Building Official if applicable, and shall obtain the required permit(s) and approval(s).  
33 No such permit or approval shall be issued until compliance with the requirements of this section  
34 and all other applicable codes and regulations has been satisfied.  
35

36 \* \* \*

37  
38 (l) **Buildings, structures and facilities exempt from the *Florida Building Code*.**  
39 Pursuant to the requirements of federal regulation for participation in the National Flood  
40 Insurance Program (44 C.F.R. Section 59 and 60-3), floodplain development permits or  
41 approvals shall be required for the following buildings, structures and facilities that are exempt  
42 from the *Florida Building Code* and any further exemptions provided by law, are subject to the  
43 requirements of this section:  
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1 (m) Application for a permit or approval. To obtain a floodplain development permit or  
2 approval the applicant shall first file an application in writing on a form furnished by the  
3 community. The information provided shall:

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5 \* \* \*

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7 (4) Be accompanied by a site plan or construction documents as specified in Section  
8 30-100.6(r)(q) of this section.

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10 \* \* \*

11  
12 (q) Other permits required. Floodplain development permits and building permits shall  
13 include a condition that all other applicable state or federal permits be obtained before  
14 commencement of the permitted development, including but not limited to the following:

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18 (6) Federal permits and approvals.

19  
20 (r) Site Plans and Construction Documents. All new construction, repairs of substantial  
21 damage, and substantial improvements shall provide a freeboard of one (1) foot above base  
22 flood elevation. For those lands above base flood elevation, finished floor shall be eight (8)  
23 inches above the average height of the crown of the road. In addition, all site plans and  
24 construction documents shall comply with the following:

25  
26 (1) -Information for development in flood hazard areas. The site plan or  
27 construction documents for any development subject to the requirements of this  
28 section shall be drawn to scale and shall include, as applicable to the proposed  
29 development:

30  
31 i.(1) Delineation of flood hazard areas, floodway boundaries and flood  
32 zone(s), base flood elevation(s), and ground elevations if necessary for  
33 review of the proposed development.

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

37 iii.(3) Where the parcel on which the proposed development will take place will  
38 have more than 50 lots or is larger than 5 acres and the base flood  
39 elevations are not included on the FIRM or in the Flood Insurance  
40 Study, such elevations shall be established in accordance with Section 30-  
41 100.6(r)(2)(i) of this section.

42 iv.(4) Location of the proposed activity and proposed structures, and locations  
43 of existing buildings and structures; in coastal high hazard areas, new  
44 buildings shall be located landward of the reach of mean high tide.

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

47 vi.(6) Where the placement of fill is proposed, the amount, type, and source of

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fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

- vii.(7) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
- viii.(8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
- ix.(9) Existing and proposed alignment of any proposed alteration of a watercourse.

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

(s)(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:

- i. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- ii.(1) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source; or
- 2) ~~Require the applicant to develop base flood elevation data prepared in accordance with currently accepted engineering practices; or~~
- iii.(3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - (A) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - (B) Specify that the base flood elevation is 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.
- iv.(4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA,

1 and that it shall be the responsibility of the applicant to satisfy the  
2 submittal requirements and pay the processing fees.  
3

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

9 i.(1) For development activities proposed to be located in a regulatory  
10 floodway, a floodway encroachment analysis that demonstrates that the  
11 encroachment of the proposed development will not cause any increase  
12 in base flood elevations; where the applicant proposes to undertake  
13 development activities that do increase base flood elevations, the  
14 applicant shall submit such analysis to FEMA as specified in Section 30-  
15 100.6(i)(f) of this section and shall submit the Conditional Letter of Map  
16 Revision, if issued by FEMA, with the site plan and construction  
17 documents.

18 ii.(2) For development activities proposed to be located in a riverine flood  
19 hazard area for which base flood elevations are included in the Flood  
20 Insurance Study or on the FIRM and floodways have not been  
21 designated, a ~~floodway encroachment hydrologic and hydraulic analysis~~  
22 ~~which that~~ demonstrates that the cumulative effect of the proposed  
23 development, when combined with all other existing and anticipated  
24 flood hazard area encroachments, will not increase the base flood  
25 elevation more than one (1) foot at any point within the community.  
26 This requirement does not apply in isolated flood hazard areas not  
27 connected to a riverine flood hazard area or in flood hazard areas  
28 identified as Zone AO or Zone AH.

29 iii.(3) For alteration of a watercourse, an engineering analysis prepared in  
30 accordance with standard engineering practices which demonstrates that  
31 the flood-carrying capacity of the altered or relocated portion of the  
32 watercourse will not be decreased, and certification that the altered  
33 watercourse shall be maintained in a manner which preserves the  
34 channel's flood-carrying capacity; the applicant shall submit the analysis  
35 to FEMA as specified in Section 30-100.6(i)(f) of this section.

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

40  
41 (4)(w) Submission of additional data. When additional hydrologic, hydraulic or other  
42 engineering data, studies, and additional analyses are submitted to support an  
43 application, the applicant has the right to seek a Letter of Map Change from  
44 FEMA to change the base flood elevations, change floodway boundaries, or  
45 change boundaries of flood hazard areas shown on FIRMs, and to submit such  
46 data to FEMA for such purposes. The analyses shall be prepared by a Florida  
47 licensed engineer in a format required by FEMA. Submittal requirements and  
48 processing fees shall be the responsibility of the applicant.

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(s)(v) Inspections

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

(2)(4) ~~Development other than buildings and structures.~~ The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

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

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

\* \* \*

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

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

(t)(w) Variances And Appeals

\* \* \*

(2) ~~Appeals.~~ The Village Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the ~~building official floodplain administrator~~ in the administration and enforcement of this ordinance. Any person

1 aggrieved by the decision of the Village\_Council may appeal such decision to the Circuit Court,  
2 as provided by Florida Statutes.

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

10  
11 (4) **Restrictions in floodways.** A variance shall not be issued for any proposed  
12 development in a floodway if any increase in base flood elevations would result,  
13 as evidenced by the applicable analyses and certifications required in Section 30-  
14 100.6(t)(s) of this ordinance.

15 \* \* \*

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17  
18 (6) **Functionally dependent uses.** A variance is authorized to be issued for the  
19 construction or substantial improvement necessary for the conduct of a  
20 functionally dependent use, as defined in this ordinance, provided the variance  
21 meets the requirements of Section 30-100.6(t)(v)(4), is the minimum necessary  
22 considering the flood hazard, and all due consideration has been given to use of  
23 methods and materials that minimize flood damage during occurrence of the  
24 base flood.

25 \* \* \*

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28 (u)(s) **Violations**

29  
30 (1) **Violations.** Any development that is not within the scope of the Florida Building  
31 Code but that is regulated by this ordinance ~~Any construction or development in~~  
32 ~~a flood hazard area that is performed without an issued permit, that is in conflict~~  
33 ~~with an issued permit, or that does not fully comply with this ordinance, shall be~~  
34 ~~deemed a violation of this section. A building or structure without the~~  
35 ~~documentation of elevation of the lowest floor, other required design~~  
36 ~~certifications, or other evidence of compliance required by this section or the~~  
37 ~~Florida Building Code is presumed to be a violation until such time as that~~  
38 ~~documentation is provided.~~

39 \* \* \*

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42 (v)(r) **Definitions - Generally**

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46 (4) **Definitions**

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**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 ~~August 2, 2004~~ September 29, 1972. The Village does not contain any existing manufactured home parks or subdivisions.

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

6  
7 \* \* \*

8  
9 **Lowest floor.** The floor of the lowest enclosed area of a building or structure, including  
10 basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle  
11 parking, building access or limited storage provided that such enclosure is not built so as to  
12 render the structure in violation of the non-elevation requirements of the *Florida Building Code* or  
13 ASCE 24. [Also defined in FBC, B, Section 1612.2.]

14  
15 \* \* \*

16  
17 **New construction.** For the purposes of administration of this ordinance and the flood resistant  
18 construction requirements of the *Florida Building Code*, structures for which the "start of  
19 construction" commenced on or after September 29, 1972 ~~October 6, 2008~~ and includes any  
20 subsequent improvements to such structures.

21  
22 **New manufactured home park or subdivision.** A manufactured home park or subdivision  
23 for which the construction of facilities for servicing the lots on which the manufactured homes  
24 are to be affixed (including at a minimum, the installation of utilities, the construction of streets,  
25 and either final site grading or the pouring of concrete pads) is completed on or after ~~October 6,~~  
26 ~~2008~~ September 29, 1972.

27  
28 **Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and  
29 which is built on a single chassis and is designed to provide seasonal or temporary living quarters  
30 when connected to utilities necessary for operation of installed fixtures and appliances. [Defined  
31 in 15C-1.0101, F.A.C. 320.01, Florida Statutes]

32  
33 **Recreational vehicle.** A vehicle, including a park trailer, which is: [Defined in Section  
34 320.01(b), Florida Statutes]

35  
36 \* \* \*

37  
38 **Substantial damage.** Damage of any origin sustained by a building or structure whereby the  
39 cost of restoring the building or structure to its before-damaged condition would equal or  
40 exceed 50 percent of the market value of the building or structure before the damage occurred.  
41 The term also includes flood-related damage sustained by a structure on two separate occasions  
42 during a 10-year period for which the cost of repairs at the time of each such flood event, on  
43 average, equals or exceeds 25 percent of the market value of the structure before the damage  
44 occurred. [Also defined in FBC, B Section 1612.2.]

45  
46 **Substantial improvement.** Any combination of repair, reconstruction, rehabilitation, addition,  
47 or other improvement of a building or structure taking place during a five (5) year period, the  
48 cumulative cost of which equals or exceeds 50 percent of the market value of the building or

1 structure before the improvement or repair is started. For each building or structure, the five (5)  
2 year period begins on the date of the first improvement or repair of that building or structure  
3 subsequent to the effective date of this section. If the structure has incurred "substantial  
4 damage," any repairs are considered substantial improvement regardless of the actual repair work  
5 performed. The term does not, however, include either: [Also defined in FBC, B, Section  
6 1612.2.]

7

\* \* \*

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9

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

13

\* \* \*

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15

16 ~~(w)(z)~~ Flood Resistant Development

17

\* \* \*

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19

20 (2) Subdivisions

21

22 i. Minimum requirements. Subdivision proposals, including proposals  
23 for manufactured home parks and subdivisions, shall be reviewed to  
24 determine that:

25

\* \* \*

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27

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

32

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

36

\* \* \*

37

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

40

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

42

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

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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.

(y) Manufactured Homes

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

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

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

- i. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ordinance.
- ii. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ordinance.

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

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

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

(7) Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 30-100.6(j)(4)(vi) of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:  
i. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or  
ii. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

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

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

(z)(bb) Recreational Vehicles And Park Trailers

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(1) Temporary placement, ~~only~~. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

\* \* \*

2 Permanent Placement. Recreational vehicles and park trailers that do not meet the limitations in Section 30-100.6(r) of this section for temporary placement shall meet the requirements of for manufactured homes.

(aa)(ee) Tanks

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

(2) **Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation requirements of Section 30-100.6(r)~~(bb)~~(3) of this section shall:

i. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse ~~or~~ and lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

\* \* \*

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

\* \* \*

(bb)(dd) Other Development

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

\* \* \*

ii. Meet the limitations of Section 30-100.6(w)~~(z)~~ of this ordinance if located in a regulated floodway;

iii. Be anchored to prevent flotation, collapse ~~or~~ and lateral movement resulting from hydrostatic loads, including the effects of buoyancy,

1 during conditions of the design flood;

2 \* \* \*

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

8  
9 (3) **Retaining walls, sidewalks and driveways in regulated floodways.**  
10 Retaining walls and sidewalks and driveways that involve the placement of fill in  
11 regulated floodways shall meet the limitations of Section 30-100.6~~(y)~~~~(z)~~~~(4)~~ of this  
12 ordinance.

13  
14 (4) **Roads and watercourse crossings in regulated floodways.** Roads and  
15 watercourse crossings, including roads, bridges, culverts, low-water crossings and  
16 similar means for vehicles or pedestrians to travel from one side of a watercourse  
17 to the other side, that encroach into regulated floodways shall meet the  
18 limitations of Section 30-100.6~~(y)~~~~(z)~~ of this section. Alteration of a watercourse  
19 that is part of a road or watercourse crossing shall meet the requirements of  
20 Section 30-100.6~~(r)~~~~(s)~~ of this section.  
21

22 \* \* \*

23  
24 (6) **Decks and patios in coastal high hazard areas (Zone V).** In addition to the  
25 requirements of the *Florida Building Code*, in coastal high hazard areas decks and  
26 patios shall be located, designed, and constructed in compliance with the  
27 following:  
28

29 \* \* \*

30  
31 ii. A deck or patio that is located below the design flood elevation shall be  
32 structurally independent from buildings and structures and their  
33 foundation systems, and shall be designed and constructed either to  
34 remain intact and in place during design flood conditions or to break  
35 apart into small pieces to minimize debris during flooding that is capable  
36 of causing structural damage to adjacent elevated buildings and  
37 structures.

38 iii. A deck or patio that has a vertical thickness of more than twelve (12)  
39 inches or that is constructed with more than the minimum amount of fill  
40 necessary for site drainage shall not be approved unless an analysis  
41 prepared by a qualified registered design professional demonstrates no  
42 harmful diversion of floodwaters or wave runup and wave reflection that  
43 would increase damage to the building or structure or to adjacent  
44 elevated buildings and structures.  
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(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 and structures.

\* \* \*

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

\* \* \*

**104.10.1 Modifications of the strict application of the requirements of the *Florida Building Code*.** The Building Official shall coordinate with the Floodplain Administrator to 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 117.

\* \* \*

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

\* \* \*

**117 VARIANCES IN FLOOD HAZARD AREAS**

1 117.1 Flood hazard areas. Pursuant to Section 553.73(5), Florida Statutes, the variance  
2 procedures adopted in the local floodplain management ordinance shall apply to requests  
3 submitted to the Building Official for variances to the provisions of Section 1612.4 of the *Florida*  
4 *Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code,*  
5 *Residential.* This section shall not apply to Section 3109 of the *Florida Building Code, Building.*

6 \* \* \*

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

13 \* \* \*

14  
15  
16 **R322.2.1 Elevation requirements.**

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

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

36 \* \* \*

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39 **R322.3.2 Elevation requirements.**

- 40 1. All buildings and structures erected within coastal high-hazard areas shall  
41 be elevated so that the lowest portion of all structural members  
42 supporting the lowest floor, with the exception of mat or raft  
43 foundations, piling, pile caps, columns, grade beams and bracing, is:  
44 1.1 Located at or above the base flood elevation plus one (1) foot or  
45 the design flood elevation, whichever is higher, if the lowest  
46 horizontal structural member is oriented parallel to the direction  
47 of wave approach, where parallel shall mean less than or equal to  
48 20 degrees (0.35 rad) from the direction of approach, or

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- 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.

\* \* \*

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

Modify of definitions within in Section 1612.2, as follows:

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

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

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

1 structure.

2 \* \* \*

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5 Modify of definitions in Section 202, as follows:

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

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

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

33 \* \* \*

34  
35  
36 Section 7. Fiscal Impact Statement. In terms of design, plan application review,  
37 construction and inspection of buildings and structures, the cost impact as an overall average is  
38 negligible in regard to the local technical amendments because all development has been subject  
39 to the requirements of the local floodplain management ordinance adopted for participation in  
40 the National Flood Insurance Program. In terms of lower potential for flood damage, there will  
41 be continued savings and benefits to consumers.

42  
43 Section 8. Applicability. For the purposes of jurisdictional applicability, this ordinance  
44 shall apply in the Village of Palmetto Bay. This ordinance shall apply to all applications for  
45 development, including building permit applications and subdivision proposals, submitted on or  
46 after adoption of this ordinance.  
47

1 **Section 9. Repealer.** Any and all ordinances and regulations in conflict herewith are  
2 hereby repealed to the extent of any conflict. This ordinance specifically repeals and replaces the  
3 following ordinance(s) and regulation(s): Chapter 18, Section 18-1 through 18-34, and 30-100.6,  
4 as enacted on September 10, 2012.  
5

6 **Section 10. Inclusion into the Code Of Ordinances.** It is the intent of the Village Council  
7 that the provisions of this ordinance shall become and be made a part of the Village of Palmetto  
8 Bay Code of Ordinances, and that the sections of this ordinance may be renumbered or re-  
9 lettered and the word "ordinance" may be changed to "Section," "article," "regulation," or such  
10 other appropriate word or phrase in order to accomplish such intentions.  
11

12 **Section 11. Severability.** If any Section, subsection, sentence, clause or phrase of this  
13 ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such  
14 decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than  
15 the part so declared.  
16

17 **Section 12. Effective Date.** The portion of this ordinance amending the Village's Land  
18 Development Regulations shall take effect immediately. The portions of this ordinance  
19 amending the Administrative and Technical provision of the Florida Building Code shall take  
20 effect 30 days after the adoption of this ordinance.  
21

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24 **PASSED and ENACTED** this \_\_\_\_\_ day of March, 2016.

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27 First Reading: \_\_\_\_\_  
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29 Second Reading: \_\_\_\_\_  
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33 Attest: \_\_\_\_\_  
34 Meighan Alexander Eugene Flinn  
35 Village Clerk Mayor  
36

37  
38 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
39 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:  
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43 \_\_\_\_\_  
44 Dexter W. Lehtinen  
45 Village Attorney  
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2 FINAL VOTE AT ADOPTION:  
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4 Council Member Katryn Cunningham \_\_\_\_\_  
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6 Council Member Tim Schaffer \_\_\_\_\_  
7  
8 Council Member Latissa Siegel Lara \_\_\_\_\_  
9  
10 Vice-Mayor John DuBois \_\_\_\_\_  
11  
12 Mayor Eugene Flinn \_\_\_\_\_  
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