

PROPOSED

ORDINANCE NO. 2014-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO FLOODPLAIN MANAGEMENT; REPEALING CHAPTER 13½ OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); CREATING A NEW CHAPTER 5, ARTICLE V, FLOODPLAIN MANAGEMENT; PROVIDING FOR APPLICABILITY, ADOPTION OF FLOOD HAZARD MAPS, AND DESIGNATION, DUTIES, AND POWERS OF A FLOODPLAIN ADMINISTRATOR; PROVIDING FOR PERMITS, SITE PLANS, INSPECTIONS, VARIANCES, ENFORCEMENT, DEFINITIONS, AND FLOOD RESISTANT DEVELOPMENT REQUIREMENTS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of unincorporated Broward County and such areas may be 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, unincorporated Broward County was accepted for participation in the National Flood Insurance Program on October 20, 1972; and

WHEREAS, the Broward County Board of County Commissioners desires to continue to meet the requirements of 44 Code of Federal Regulations Sections 59 and 60 necessary for such participation; and

WHEREAS, the Broward County Board of County Commissioners has determined that it is in the public interest to enact the proposed floodplain management regulations that are coordinated with the *Florida Building Code*; and

Coding:

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1 WHEREAS, Broward County, Florida, has adopted a Home Rule Charter
2 pursuant to Article VIII, Section (1)(g) of the Constitution of the State of Florida and has
3 all of the powers of local self-government not inconsistent with the United States
4 Constitution, the Florida Constitution, general law or with special law approved by the
5 vote of the electors of Broward County, including the authority to adopt ordinances
6 designed to promote the public health, safety, and general welfare of its citizenry; and

7 WHEREAS, an amendment to the Broward County Code of Ordinances in the
8 form below is required by the Federal Emergency Management Agency and the Florida
9 Division of Emergency Management, which have approved this amendment for
10 compliance with the requirements of Broward County's eligibility to participate in the
11 National Flood Insurance Program,

12
13 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
14 BROWARD COUNTY, FLORIDA:

15
16 Section 1. Chapter 13½ of the Broward County Code of Ordinances,
17 "Floodplain Management," is hereby repealed in its entirety.

18 Section 2. Article V of Chapter 5 of the Broward County Code of Ordinances,
19 "Floodplain Management," is hereby created to read as follows:

20 [underlining omitted]

21 **ARTICLE V. FLOODPLAIN MANAGEMENT**
22
23
24

DIVISION 1. ADMINISTRATION

Sec. 5-78. General.

(a) Title. This Article shall be known as the *Floodplain Management Ordinance* of unincorporated Broward County, hereinafter referred to as "this Article."

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

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

- (1) Minimize unnecessary disruption of commerce, access, and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

- 1 (3) Manage filling, grading, dredging, mining, paving, excavation, drilling
2 operations, storage of equipment or materials, and other development
3 which may increase flood damage or erosion potential;
- 4 (4) Manage the alteration of flood hazard areas, watercourses, and shorelines
5 to minimize the impact of development on the natural and beneficial
6 functions of the floodplain;
- 7 (5) Minimize damage to public and private facilities and utilities;
- 8 (6) Help maintain a stable tax base by providing for the sound use and
9 development of flood hazard areas;
- 10 (7) Minimize the need for future expenditure of public funds for flood control
11 projects and response to and recovery from flood events; and
- 12 (8) Meet the requirements of the National Flood Insurance Program for
13 community participation as set forth in the 44 Code of Federal Regulations
14 ("C.F.R.") Section 59.22.

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

19 (e) Warning. The degree of flood protection required by this Article and the
20 *Florida Building Code*, as amended by this community, is considered the minimum
21 reasonable for regulatory purposes and is based on scientific and engineering
22 considerations. Larger floods can and will occur. Flood heights may be increased by
23 human-induced or natural causes. This Article does not imply that land outside of mapped
24 special flood hazard areas or that uses permitted within such flood hazard areas will be free

1 from flooding or flood damage. The flood hazard areas and base flood elevations
2 contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the
3 requirements of 44 C.F.R. Sections 59 and 60 may be revised by the Federal
4 Emergency Management Agency ("FEMA"), requiring revisions to these regulations to
5 remain eligible for participation in the National Flood Insurance Program. No guaranty
6 of vested use, existing use, or future use is implied or expressed by compliance with
7 this Article.

8 (f) Disclaimer of Liability. This Article shall not create liability on the part of
9 the Broward County Board of County Commissioners ("Board"), or any officer or
10 employee thereof, for any flood damage that results from reliance on this Article or any
11 administrative decision lawfully made thereunder.

12 **Sec. 5-79. Applicability.**

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

15 (b) Areas to which this Article applies. This Article shall apply to all flood
16 hazard areas within unincorporated Broward County, as established in Subsection
17 5-79(c) of this Article.

18 (c) Basis for establishing flood hazard areas. The flood hazard areas
19 identified by FEMA in its currently effective Flood Insurance Study for Broward County,
20 Florida and Incorporated Area ("FIS"), dated October 2, 1997, its FIS dated August 18,
21 2014 (upon that date), and all subsequent amendments and revisions to its FIS and the
22 accompanying Flood Insurance Rate Maps ("FIRMs") are adopted by reference as a
23 part of this Article and shall serve as the minimum basis for establishing flood hazard
24

1 areas. Studies and maps that establish flood hazard areas are on file at 1 North
2 University Drive, Plantation, Florida 33324.

3 (d) Submission of additional data to establish flood hazard areas. In order to
4 establish flood hazard areas and base flood elevations pursuant to Section 5-82 of this
5 Article, the Floodplain Administrator may require submission of additional data. Where
6 field surveyed topography prepared by a Florida licensed professional surveyor or
7 digital topography accepted by the community indicates that ground elevations:

8 (1) Are below the closest applicable base flood elevation, even in areas not
9 delineated as a special flood hazard area on a FIRM, the area shall be
10 considered a flood hazard area and subject to the requirements of this
11 Article and, as applicable, the requirements of the *Florida Building Code*;
12 or

13 (2) Are above the closest applicable base flood elevation, the area shall be
14 regulated as a special flood hazard area unless the applicant obtains a
15 Letter of Map Change that removes the area from the special flood hazard
16 area.

17 (e) Other laws. The provisions of this Article shall not be deemed to nullify
18 any provisions of local, state, or federal law.

19 (f) Abrogation and greater restrictions. This Article is not intended to repeal,
20 abrogate, or impair any existing easements, covenants, or deed restrictions, but any
21 land that is subject to such interests shall also be governed by this ordinance. Where
22 there are regulations on the same point, as contained in any other Broward County
23 ordinance or resolution, which are less restrictive than this Article, the provisions of this
24 Article shall govern; and where the regulations of the other Broward County ordinance

1 or resolution are more restrictive than those of this Article, the other ordinance or
2 resolution shall govern. In the event that any of the provisions of this Article conflict with
3 any of the provisions of the *Florida Building Code*, as applicable to Broward County, the
4 applicable provisions of the *Florida Building Code* shall govern.

5 (g) Interpretation. In the interpretation and application of this Article, all
6 provisions shall be:

- 7 (1) Considered as minimum requirements;
- 8 (2) Liberally construed in favor of the governing body; and
- 9 (3) Deemed neither to limit nor repeal any other powers granted under the
10 Florida Constitution or state statutes.

11 **Sec. 5-80. Duties and Powers of the Floodplain Administrator.**

12 (a) Designation. The Building Official is designated as the Floodplain
13 Administrator and may delegate the performance of duties of the Floodplain
14 Administrator to one (1) or more other employees.

15 (b) General. The Floodplain Administrator is authorized and directed to
16 administer and enforce the provisions of this Article. The Floodplain Administrator shall
17 have the authority to render interpretations of this Article consistent with the intent and
18 purpose of this Article and may establish policies and procedures in order to clarify the
19 application of its provisions. Such interpretations, policies, and procedures shall not
20 have the effect of waiving requirements specifically provided for in this Article without
21 the granting of a variance pursuant to Section 5-84 of this Article.

22 (c) Applications and permits. The Floodplain Administrator, in coordination
23 with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 - (2) Review applications and plans for modification of any existing development in flood hazard areas for compliance with the requirements of this Article;
 - (3) Interpret flood hazard area boundaries, where such interpretation is necessary, to determine the exact location of boundaries, subject to appeal by a person contesting the determination;
 - (4) Provide available flood elevation and flood hazard information;
 - (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 - (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
 - (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures, and facilities exempt from the *Florida Building Code*, when compliance with this Article is demonstrated, or deny the same in the event of noncompliance; and
 - (8) Coordinate with and provide comments to the Building Official to ensure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this Article.
- (d) Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including

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1 alterations, movement, enlargement, replacement, repair, change of occupancy,
2 additions, rehabilitations, renovations, substantial improvements, repairs of substantial
3 damage, and any other improvement of or work on such buildings and structures, the
4 Floodplain Administrator, in coordination with the Building Official, shall:

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

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

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

17 (4) Notify the applicant if it is determined that the work constitutes a
18 substantial improvement or a repair of substantial damage and that
19 compliance with the flood load and flood resistant construction
20 requirements of the *Florida Building Code* and this Article is required.

21 (e) Modifications of the strict application of the requirements of the *Florida*
22 *Building Code*. The Floodplain Administrator shall review requests submitted to the
23 Building Official that seek approval to modify the strict application of this Article or the
24 flood load and flood resistant construction requirements of the *Florida Building Code* to

1 determine whether approval of such a request would require the granting of a variance
2 pursuant to Section 5-84 of this Article.

3 (f) Inspections. The Floodplain Administrator shall make the required
4 inspections, as specified in Section 5-83 of this Article, for development that is not
5 subject to the *Florida Building Code*, including buildings, structures, and facilities
6 exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood
7 hazard areas to determine if development has been undertaken without the issuance of
8 a permit or approval.

9 (g) Other duties of the Floodplain Administrator. The Floodplain Administrator
10 shall have other duties, including, but not limited to:

11 (1) Establishing, in coordination with the Building Official procedures for
12 making and documenting determinations of substantial improvement and
13 substantial damage made pursuant to Subsection 5-80(d) of this Article;

14 (2) Requiring that applicants proposing alteration of a watercourse notify
15 adjacent communities and the Florida Division of Emergency
16 Management's State Floodplain Management Office, submitting copies of
17 such notifications to FEMA;

18 (3) Requiring applicants who submit hydrologic and hydraulic engineering
19 analyses supporting permit applications to submit the data and information
20 necessary to maintain the FIRM to FEMA, if the analyses propose to
21 change base flood elevations, flood hazard area boundaries, or floodway
22 designations; such submissions shall be made within six (6) months of
23 such data becoming available;
24

1 (4) Reviewing design certifications and documentation of elevations required
2 by this Article and the *Florida Building Code* to determine whether such
3 certifications and documentations are complete; and

4 (5) Notifying FEMA when the corporate boundaries of unincorporated
5 Broward County are modified.

6 (h) Floodplain management records. Regardless of any other limitation on
7 the period required for retention of public records, the Floodplain Administrator shall
8 maintain and permanently keep and make available for public inspection all records that
9 are necessary for the administration of this Article and the flood load and flood resistant
10 construction requirements of the *Florida Building Code*, including the FIRM; Letters of
11 Map Change; records of issuance or denial of permits and approvals; determinations of
12 whether proposed work constitutes a substantial improvement or a repair of substantial
13 damage; required design certifications and documentation of elevations specified by the
14 *Florida Building Code* and this Article; notifications to adjacent communities, FEMA, and
15 the Florida Division of Emergency Management's State Floodplain Management Office
16 related to alterations of watercourses; assurances that the flood carrying capacity of
17 altered watercourses will be maintained; documentation related to appeals and
18 variances, including justification for issuance or denial; and records of enforcement
19 actions taken pursuant to this Article and the flood load and flood resistant construction
20 requirements of the *Florida Building Code*. These records shall be available for public
21 inspection at 1 North University Drive, Plantation, Florida 33324.

22 **Sec. 5-81. Permits.**

23 (a) Permits and approvals required. Any owner of property or such owner's
24 authorized agent (hereinafter "applicant") who intends to undertake any development

1 activity within the scope of this Article, including construction of, or repair or
2 improvements to, buildings, structures, and facilities exempt from the *Florida Building*
3 *Code*, which is wholly within or partially within any flood hazard area, shall first make
4 application to the Floodplain Administrator, and the Building Official if applicable and
5 different from the Floodplain Administrator, and shall obtain the required permit(s) and
6 approval(s). No such permit or approval shall be issued until compliance with the
7 requirements of this Article and all other applicable codes and regulations has been
8 satisfied.

9 (b) Floodplain development permits or approvals. Floodplain development
10 permits or approvals shall be issued pursuant to this Article for any development activities
11 not subject to the requirements of the *Florida Building Code*, including construction of, or
12 repair or improvements to, buildings, structures, and facilities exempt from the *Florida*
13 *Building Code*. Depending on the nature and extent of the proposed development that
14 includes a building or structure, the Floodplain Administrator may determine that a
15 floodplain development permit or approval is required in addition to a building permit.

16 (c) Buildings, structures, and facilities exempt from the *Florida Building Code*.
17 Pursuant to the requirements of federal regulation for participation in the National Flood
18 Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or
19 approvals shall be obtained prior to construction of, or repair or improvements to, the
20 following buildings, structures, and facilities that are exempt from the *Florida Building*
21 *Code*, unless otherwise preempted by state or federal law:

- 22 (1) Railroads and ancillary facilities associated with the railroad;
23 (2) Nonresidential farm buildings on farms, as provided in Section 604.50,
24 Florida Statutes;

- 1 (3) Temporary buildings or sheds used exclusively for construction purposes;
2 (4) Mobile or modular structures used as temporary offices;
3 (5) Those structures or facilities of electric utilities, as defined in Section
4 366.02, Florida Statutes, which are directly involved in the generation,
5 transmission, or distribution of electricity;
6 (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the
7 Seminole Tribe of Florida. As used in this paragraph, the term "chickee"
8 means an open-sided wooden hut that has a thatched roof of palm or
9 palmetto or other traditional materials, and that does not incorporate any
10 electrical, plumbing, or other non-wood features;
11 (7) Family mausoleums not exceeding 250 square feet in area which are
12 prefabricated and assembled on site or preassembled and delivered on
13 site and have walls, roofs, and a floor constructed of granite, marble, or
14 reinforced concrete; and
15 (8) Temporary housing provided by the Department of Corrections to any
16 prisoner in the state correctional system.

17 Structures identified in Subsection 553.73(10)(k), Florida Statutes, are not exempt from
18 the Florida Building Code if such structures are located in flood hazard areas
19 established on FIRMs.

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

- 23 (1) Identify and describe the development to be covered by the permit or
24 approval;

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

4 (3) Indicate the use and occupancy for which the proposed development is
5 intended;

6 (4) Be accompanied by a site plan or construction documents, as specified in
7 Section 5-82 of this Article;

8 (5) State the valuation of the proposed work;

9 (6) Be signed by the applicant or the applicant's authorized agent; and

10 (7) Provide such other data and information as required by the Floodplain
11 Administrator.

12 (e) Validity of permit or approval. The issuance of a floodplain development
13 permit or approval pursuant to this Article shall not be construed to be a permit for, or
14 approval of, any violation of this Article, the *Florida Building Code*, or any other local
15 ordinance. The issuance of permits or approvals based on submitted applications,
16 construction documents, and information shall not prevent the Floodplain Administrator
17 from requiring the correction of errors and omissions.

18 (f) Expiration. A floodplain development permit or approval shall expire
19 unless the work authorized by such permit is commenced within one hundred and
20 eighty (180) days after its issuance or if the work authorized is suspended or
21 abandoned for a period of one hundred and eighty (180) days after the work
22 commences. Extensions for periods of not more than one hundred and eighty (180)
23 days each shall be requested in writing and justifiable cause shall be demonstrated.

1 (g) Suspension or revocation. The Floodplain Administrator is authorized to
2 suspend or revoke a floodplain development permit or approval if the permit was issued
3 in error on the basis of incorrect, inaccurate, or incomplete information, or in violation of
4 this Article or any other local ordinance, regulation, or requirement.

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

9 (1) Florida Department of Environmental Protection or South Florida Water
10 Management District permits required by Section 373.036, Florida
11 Statutes, and Chapter 373, Part IV, Sections 373.403 through 373.468,
12 Florida Statutes;

13 (2) Florida Department of Health permits for onsite sewage treatment and
14 disposal systems required by Section 381.0065, Florida Statutes, and
15 Chapter 64E-6, Florida Administrative Code;

16 (3) Florida Department of Environmental Protection permits for activities
17 subject to the Joint Coastal Permit required by Section 161.055, Florida
18 Statutes;

19 (4) Florida Department of Environmental Protection permits for activities that
20 affect wetlands and alter surface water flows, in conjunction with the U.S.
21 Army Corps of Engineers, required by Section 404 of the Federal Water
22 Pollution Control Act; and

23 (5) Federal permits and approvals.
24

1 **Sec. 5-82. Site Plans and Construction Documents.**

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

- 5 (1) Delineation of flood hazard areas, floodway boundaries and flood zones,
6 base flood elevations, and ground elevations, if necessary for review of
7 the proposed development;
- 8 (2) Where base flood elevations or floodway data are not included on the
9 FIRM or in the FIS, they shall be established in accordance with
10 Subsections 5-82(b)(2) or (3) of this Article;
- 11 (3) Where the parcel on which the proposed development will take place will
12 have more than fifty (50) lots or is larger than five (5) acres and the base
13 flood elevations are not included on the FIRM or in the FIS, such
14 elevations shall be established in accordance with Subsection 5-82(b)(1)
15 of this Article;
- 16 (4) Location of the proposed activity and structures, and locations of existing
17 buildings and structures;
- 18 (5) Location, extent, amount, and proposed final grades of any filling, grading,
19 or excavation;
- 20 (6) Where the placement of fill is proposed, the amount, type, and source of
21 fill material; compaction specifications; a description of the intended
22 purpose of the fill areas; and evidence that the proposed fill areas are the
23 minimum necessary to achieve the intended purpose; and
24

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

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

8 (b) Information in flood hazard areas without base flood elevations
9 (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base
10 flood elevation data have not been provided, the Floodplain Administrator shall do one
11 of the following:

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

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

18 (3) Where base flood elevation and floodway data are not available from
19 another source, where the available data are deemed by the Floodplain
20 Administrator to not reasonably reflect flooding conditions, or where the
21 available data are known to be scientifically or technically incorrect or
22 otherwise inadequate:

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

1 b. Specify that the base flood elevation is two (2) feet above the
2 highest adjacent grade at the location of the development, provided
3 there is no evidence indicating flood depths have been or may be
4 greater than two (2) feet.

5 (4) Where the base flood elevation data are to be used to support a Letter of
6 Map Change from FEMA, advise the applicant that the analyses shall be
7 prepared by a Florida licensed engineer in a format required by FEMA,
8 and that it shall be the responsibility of the applicant to satisfy the
9 submittal requirements and pay the processing fees.

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

14 (1) For development activities proposed to be located in a regulatory
15 floodway, a floodway encroachment analysis that demonstrates that the
16 encroachment of the proposed development will not cause any increase in
17 base flood elevations; where the applicant proposes to undertake
18 development activities that do increase base flood elevations, the
19 applicant shall submit such analysis to FEMA, as specified in Subsection
20 5-82(d) of this Article, and shall submit the Conditional Letter of Map
21 Revision, if issued by FEMA, with the site plan and construction
22 documents.

23 (2) For development activities proposed to be located in a riverine flood
24 hazard area for which base flood elevations are included in the FIS or on

1 the FIRM and floodways have not been designated, hydrologic and
2 hydraulic analyses that demonstrate that the cumulative effect of the
3 proposed development, when combined with all other existing and
4 anticipated flood hazard area encroachments, will not increase the base
5 flood elevation more than one (1) foot at any point within the community.
6 This requirement does not apply in isolated flood hazard areas not
7 connected to a riverine flood hazard area or in flood hazard areas
8 identified as Zone AO or Zone AH.

9 (3) For alteration of a watercourse, an engineering analysis prepared in
10 accordance with standard engineering practices which demonstrates that
11 the flood-carrying capacity of the altered or relocated portion of the
12 watercourse will not be decreased, and certification by a Florida licensed
13 professional engineer that the altered watercourse shall be maintained in
14 a manner which preserves the channel's flood-carrying capacity; the
15 applicant shall submit the analysis to FEMA, as specified in Subsection
16 5-82(d) of this Article.

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

1 **Sec. 5-83. Inspections.**

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

4 (1) Development other than buildings and structures. The Floodplain
5 Administrator shall inspect all development to determine compliance with
6 the requirements of this Article and the conditions of issued floodplain
7 development permits or approvals.

8 (2) Buildings, structures, and facilities exempt from the *Florida Building Code*.
9 The Floodplain Administrator shall inspect buildings, structures, and
10 facilities exempt from the *Florida Building Code* to determine compliance
11 with the requirements of this Article and the conditions of issued floodplain
12 development permits or approvals.

13 a. Buildings, structures, and facilities exempt from the *Florida Building*
14 *Code*, lowest floor inspection. Upon placement of the lowest floor,
15 including basement, and prior to further vertical construction, the
16 owner of a building, structure, or facility exempt from the *Florida*
17 *Building Code*, or the owner's authorized agent, shall submit to the
18 Floodplain Administrator:

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

23 (2) If the elevation used to determine the required elevation of
24 the lowest floor was determined in accordance with

1 Subsection 5-82(b)(3)b. of this Article, the documentation of
2 height of the lowest floor above highest adjacent grade,
3 prepared by the owner or the owner's authorized agent.

4 b. Buildings, structures, and facilities exempt from the *Florida Building*
5 *Code*, final inspection. As part of the final inspection, the owner or
6 owner's authorized agent shall submit to the Floodplain
7 Administrator a final certification of elevation of the lowest floor or
8 final documentation of the height of the lowest floor above the
9 highest adjacent grade; such certifications and documentations
10 shall be prepared as specified in Subsection 5-83(a)(2)a. of this
11 Article.

12 (3) Manufactured homes. The Building Official shall inspect manufactured
13 homes that are installed or replaced in flood hazard areas to determine
14 compliance with the requirements of this Article and the conditions of the
15 issued permit. Upon placement of a manufactured home, the owner or
16 owner's authorized agent shall submit certification of the elevation of the
17 lowest floor to the Building Official.

18 **Sec. 5-84. Variances and Appeals.**

19 (a) General. The Board shall hear and decide requests for appeals and
20 requests for variances from the strict application of this Article. Pursuant to Subsection
21 553.73(5), Florida Statutes, the Board shall also hear and decide requests for appeals
22 and requests for variances from the strict application of the flood resistant construction
23 requirements of the *Florida Building Code*.

1 (b) Appeals. The Board shall hear and decide appeals when it is alleged that
2 there is an error in any requirement, decision, or determination made by the Floodplain
3 Administrator in the administration and enforcement of this Article. Any person
4 substantially affected by the decision of the Board may appeal such decision to the
5 Circuit Court, as provided by Florida Statutes.

6 (c) Variances. The Board shall issue or deny variances based upon technical
7 justifications submitted by applicants, the factors for issuance in Subsection 5-84(g) of
8 this Article, the conditions for issuance set forth in Subsection 5-84(h) of this Article, and
9 the comments and recommendations of the Floodplain Administrator and the Building
10 Official. The Board has the right to attach such conditions as it deems necessary to
11 further the purposes and objectives of this Article.

12 (d) Restrictions in floodways. A variance shall not be issued for any proposed
13 development in a floodway if any increase in base flood elevations would result, as
14 evidenced by the applicable analyses and certifications required in Subsection 5-82(c)
15 of this Article.

16 (e) Historic buildings. A variance is authorized to be issued for the repair,
17 improvement, or rehabilitation of a historic building that is determined eligible for the
18 exception to the flood resistant construction requirements of the *Florida Building Code*,
19 *Existing Building*, Chapter 11, Historic Buildings, upon a determination that the
20 proposed repair, improvement, or rehabilitation will not preclude the building's continued
21 designation as a historic building and the variance is the minimum necessary to
22 preserve the historic character and design of the building. If the proposed work
23 precludes the building's continued designation as a historic building, a variance shall not
24

1 be granted and the building and any repair, improvement, and rehabilitation shall be
2 subject to the requirements of the *Florida Building Code*.

3 (f) Functionally dependent uses. A variance is authorized to be issued for
4 the construction or substantial improvement necessary for the conduct of a functionally
5 dependent use, as defined in this Article, provided the variance meets the requirements
6 of Subsection 5-84(d) of this Article, is the minimum necessary considering the flood
7 hazard, and all due consideration has been given to use of methods and materials that
8 minimize flood damage during occurrence of the base flood.

9 (g) Factors for consideration of variance requests. In reviewing requests for
10 variances, the Board shall consider all technical evaluations, all relevant factors of this
11 Article, all applicable provisions of the *Florida Building Code*, and the following:

- 12 (1) The danger that materials and debris may be swept onto other lands
13 resulting in further injury or damage;
- 14 (2) The danger to life and property due to flooding or erosion damage;
- 15 (3) The susceptibility of the proposed development, including contents, to
16 flood damage and the effect of such damage on current and future
17 owners;
- 18 (4) The importance of the services provided by the proposed development to
19 the community;
- 20 (5) The availability of alternate locations for the proposed development that
21 are subject to lower risk of flooding or erosion;
- 22 (6) The compatibility of the proposed development with existing and
23 anticipated development;

- 1 (7) The relationship of the proposed development to the comprehensive plan
2 and floodplain management program for the area;
- 3 (8) The safety of access to the property in times of flooding for ordinary and
4 emergency vehicles;
- 5 (9) The expected heights, velocity, duration, rate of rise, debris and sediment
6 transport of the floodwaters, and the effects of wave action, if applicable,
7 expected at the site; and
- 8 (10) The costs of providing governmental services during and after flood
9 conditions, including maintenance and repair of public utilities and
10 facilities, such as sewer, gas, electrical, and water systems, streets, and
11 bridges.
- 12 (h) Conditions for issuance of variances. The Board shall issue variances
13 only upon:
- 14 (1) Submission by the applicant of a showing of good and sufficient cause
15 that the unique characteristics of the size, configuration, or topography of
16 the site limit compliance with any provision of this Article, including the
17 required elevation standards;
- 18 (2) Submission by the applicant of a signed statement that the variance, if
19 granted, shall be recorded in the Public Records of Broward County,
20 Florida, in such a manner that it appears in the chain of title of the affected
21 parcel of land;
- 22 (3) Placement of a copy in the record of a written notice from the Floodplain
23 Administrator to the applicant for the variance specifying the difference
24 between the base flood elevation and the proposed elevation of the lowest

1 floor, stating that the cost of federal flood insurance will be commensurate
2 with the increased risk resulting from the reduced floor elevation, up to
3 amounts as high as Twenty-five Dollars (\$25.00) for One Hundred Dollars
4 (\$100.00) of insurance coverage, and stating that construction below the
5 base flood elevation increases risks to life and property, if the request is
6 for a variance to allow construction of the lowest floor of a new building, or
7 substantial improvement of a building, below the required elevation; and

8 (4) Determinations by the Board that:

- 9 a. Failure to grant the variance would result in exceptional hardship
10 due to the physical characteristics of the land that render the lot
11 undevelopable; increased costs to satisfy the requirements or
12 inconvenience do not constitute hardship;
13 b. The granting of a variance will not result in increased flood heights,
14 additional threats to public safety, extraordinary public expense,
15 nuisances, fraud on or victimization of the public, or conflict with
16 other existing local laws and ordinances; and
17 c. The variance is the minimum necessary, considering the flood
18 hazard, to afford relief.

19 **Sec. 5-85. Violations.**

20 (a) Violations. Any development that is not within the scope of the *Florida*
21 *Building Code* but that is regulated by this Article that is performed without an issued
22 permit, that is in conflict with an issued permit, or that does not fully comply with this
23 Article, shall be deemed a violation of this Article. A building or structure without the
24 documentation of elevation of the lowest floor, other required design certifications, or

1 other evidence of compliance required by this Article or the *Florida Building Code* is
2 presumed to be a violation until such time as that documentation is provided.

3 (b) Authority. For development that is not within the scope of the *Florida*
4 *Building Code* but that is regulated by this Article and that is determined to be a
5 violation, the Floodplain Administrator is authorized to serve citations, notices to appear,
6 notices of violation, or stop work orders to the owner(s) of the property involved, to the
7 owner's agent, or to the person or persons performing the work.

8 (c) Unlawful continuance. Any person who shall continue any work after
9 having been served with a citation, notice to appear, notice of violation, or a stop work
10 order, except such work as that person is directed to perform to remove or remedy a
11 violation or unsafe condition, shall be subject to penalties as prescribed by Chapter 8½,
12 Broward County Code of Ordinances.

13 DIVISION 2. DEFINITIONS

14 **Sec. 5-86. General.**

15 (a) Scope. Unless otherwise expressly stated, the listed words and terms
16 shall, for the purposes of this Article, have the meanings shown in Section 5-87 of this
17 Article.

18 (b) Terms not defined herein. Where terms are not defined in this Article and
19 are defined in the *Florida Building Code* or 44 C.F.R. Section 59, such terms shall have
20 the meanings ascribed to them in those codes.

21 (c) Terms not defined. Where terms are not defined in this Article, the *Florida*
22 *Building Code*, or 44 C.F.R. Section 59, such terms shall have ordinarily accepted
23 meanings such as the context implies.

1 **Sec. 5-87. Definitions.**

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

7 (b) Appeal. A request for a review of the Floodplain Administrator's
8 interpretation of any provision of this Article or the issuance, denial, or conditions of a
9 permit under this Article.

10 (c) ASCE 24. A standard titled *Flood Resistant Design and Construction* that
11 is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the
12 American Society of Civil Engineers, Reston, Virginia.

13 (d) Base flood. A flood having a one percent (1%) chance of being equaled
14 or exceeded in any given year. The base flood is commonly referred to as the
15 "100-year flood" or the "1-percent-annual chance flood."

16 (e) Base flood elevation. The elevation of the base flood, including wave
17 height, relative to the National Geodetic Vertical Datum ("NGVD"), North American
18 Vertical Datum ("NAVD"), or other datum specified on the FIRM.

19 (f) Basement. The portion of a building having its floor subgrade (below
20 ground level) on all sides.

21 (g) Design flood. The flood associated with the greater of the following two
22 (2) areas:

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

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

3 (h) Design flood elevation. The elevation of the "design flood," including wave
4 height, relative to the datum specified on the community's legally designated flood
5 hazard map. In areas designated as Zone AO, the design flood elevation shall be the
6 elevation of the highest existing grade of the building's perimeter plus the depth number
7 (in feet) specified on the flood hazard map. In areas designated as Zone AO, where the
8 depth number is not specified on the map, the depth number shall be taken as being
9 equal to two (2) feet.

10 (i) Development. Any human-induced change to improved or unimproved
11 real estate, including, but not limited to, buildings or other structures, tanks, temporary
12 structures, temporary or permanent storage of equipment or materials, mining,
13 dredging, filling, grading, paving, excavations, drilling operations, or any other land
14 disturbing activities.

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

18 (k) Existing building and existing structure. Any buildings and structures for
19 which the "start of construction," as defined herein, commenced before
20 October 20, 1972.

21 (l) Existing manufactured home park or subdivision. A manufactured home
22 park or subdivision for which the construction of facilities for servicing the lots on which
23 the manufactured homes are to be affixed (including, at a minimum, the installation of
24

1 utilities, the construction of streets, and either final site grading or the pouring of
2 concrete pads) is completed before October 20, 1972.

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

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

10 (o) Flood or flooding. A general and temporary condition of partial or
11 complete inundation of normally dry land from:

12 (1) The overflow of inland or tidal waters; or

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

15 (p) Flood damage-resistant materials. Any construction material capable of
16 withstanding direct and prolonged contact with floodwaters without sustaining any
17 damage that requires more than cosmetic repair.

18 (q) Flood hazard area. The greater of the following two (2) areas:

19 (1) The area within a floodplain subject to a one percent (1%) or greater
20 chance of flooding in any year; or

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

1 (r) Flood Insurance Rate Map ("FIRM"). The official map of the community
2 on which FEMA has delineated both special flood hazard areas and the risk premium
3 zones applicable to the community.

4 (s) Flood Insurance Study ("FIS"). The official report provided by FEMA that
5 contains the FIRM, the Flood Boundary and Floodway Map (if applicable), the water
6 surface elevations of the base flood, and supporting technical data.

7 (t) Floodplain Administrator. The office or position designated and charged
8 with the administration and enforcement of this Article (may be referred to as the
9 "Floodplain Manager"). The Building Official is designated as the Floodplain
10 Administrator and may delegate the performance of duties of the Floodplain
11 Administrator to one (1) or more other employees.

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

16 (v) Floodway. The channel of a river or other riverine watercourse and the
17 adjacent land areas that must be reserved in order to discharge the base flood without
18 cumulatively increasing the water surface elevation by more than one (1) foot.

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

23 (x) *Florida Building Code*. The codes adopted by the Florida Building
24 Commission, including: *Florida Building Code, Building*; *Florida Building Code*,

1 *Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical;*
2 *Florida Building Code, Plumbing; and Florida Building Code, Fuel Gas.*

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

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

10 (aa) Historic structure. Any structure that is determined eligible for the
11 exception to the flood hazard area requirements of the *Florida Building Code, Existing*
12 *Building*, Chapter 11, Historic Buildings.

13 (bb) Letter of Map Change ("LOMC"). An official determination issued by
14 FEMA that amends or revises an effective FIRM or FIS. Letters of Map Change
15 include:

16 (1) Letter of Map Amendment ("LOMA"): An amendment based on technical
17 data showing that a property was incorrectly included in a designated
18 special flood hazard area. A LOMA amends the currently effective FIRM
19 and establishes that a specific property, portion of a property, or structure
20 is not located in a special flood hazard area;

21 (2) Letter of Map Revision ("LOMR"): A revision based on technical data that
22 may show changes to flood zones, flood elevations, special flood hazard
23 area boundaries and floodway delineations, and other planimetric
24 features;

1 (3) Letter of Map Revision Based on Fill ("LOMR-F"): A determination that a
2 structure or parcel of land has been elevated by fill above the base flood
3 elevation and is, therefore, no longer located within the special flood
4 hazard area. In order to qualify for this determination, the fill must have
5 been permitted and placed in accordance with the community's floodplain
6 management regulations; and

7 (4) Conditional Letter of Map Revision ("CLOMR"): A formal review and
8 comment as to whether a proposed flood protection project or other
9 project complies with the minimum National Flood Insurance Program
10 requirements for such projects with respect to delineation of special flood
11 hazard areas. A CLOMR does not revise the effective FIRM or FIS; upon
12 submission and approval of certified as-built documentation, a Letter of
13 Map Revision may be issued by FEMA to revise the effective FIRM.

14 (cc) Light-duty truck. Any motor vehicle rated at eight thousand five hundred
15 (8,500) pounds Gross Vehicular Weight Rating or less which has a vehicular curb
16 weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area
17 of forty-five (45) square feet or less, which is:

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

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

22 (3) Available with special features enabling off-street or off-highway operation
23 and use.
24

1 (dd) Lowest floor. The lowest floor of the lowest enclosed area of a building or
2 structure, including basement, but excluding any unfinished or flood-resistant enclosure,
3 other than a basement, usable solely for vehicle parking, building access, or limited
4 storage, provided that such enclosure is not built so as to render the structure in
5 violation of the nonelevation requirements of the *Florida Building Code* or ASCE 24.

6 (ee) Manufactured home. A structure, transportable in one (1) or more
7 sections, which is eight (8) feet or more in width and greater than four hundred (400)
8 square feet, and which is built on a permanent, integral chassis and is designed for use
9 with or without a permanent foundation when attached to the required utilities. The term
10 "manufactured home" does not include a "recreational vehicle" or a "park trailer."

11 (ff) Manufactured home park or subdivision. A parcel (or contiguous parcels)
12 of land divided into two (2) or more manufactured home lots for rent or sale.

13 (gg) Market value. The price at which a property will change hands between a
14 willing buyer and a willing seller, neither party being under compulsion to buy or sell and
15 both having reasonable knowledge of relevant facts. As used in this Article, the term
16 refers to the market value of buildings and structures, excluding the land and other
17 improvements on the parcel. Market value may be established by a qualified
18 independent appraiser, actual cash value (replacement cost depreciated for age and
19 quality of construction), or tax assessment value adjusted to approximate market value
20 by a factor provided by the Property Appraiser.

21 (hh) New construction. For the purposes of administration of this Article and
22 the flood resistant construction requirements of the *Florida Building Code*, structures for
23 which the "start of construction" commenced on or after October 20, 1972, including any
24 subsequent improvements to such structures.

1 (ii) New manufactured home park or subdivision. A manufactured home park
2 or subdivision for which the construction of facilities for servicing the lots on which the
3 manufactured homes are to be affixed (including at a minimum, the installation of
4 utilities, the construction of streets, and either final site grading or the pouring of
5 concrete pads) is completed on or after October 20, 1972.

6 (jj) Park trailer. A transportable unit which has a body width not exceeding
7 fourteen (14) feet and which is built on a single chassis and is designed to provide
8 seasonal or temporary living quarters when connected to utilities necessary for
9 operation of installed fixtures and appliances.

10 (kk) Recreational vehicle. A vehicle, including a park trailer, which is:

11 (1) Built on a single chassis;

12 (2) Four hundred (400) square feet or less when measured at the largest
13 horizontal projection;

14 (3) Designed to be self-propelled or permanently towable by a light-duty truck;
15 and

16 (4) Designed primarily not for use as a permanent dwelling but as temporary
17 living quarters for recreational, camping, travel, or seasonal use.

18 (ll) Special flood hazard area. An area in the floodplain subject to a one
19 percent (1%) or greater chance of flooding in any given year. Special flood hazard
20 areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE, or V.

21 (mm) Start of construction. The date of issuance of a permit, order, or approval
22 for new construction or substantial improvements to existing structures, provided the
23 actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or
24 other improvement is within one hundred and eighty (180) days after the date after the

1 issuance. The actual start of construction means either the first placement of
2 permanent construction of a building (including a manufactured home) on a site, such
3 as the pouring of slab or footings, the installation of piles, or the construction of
4 columns. Permanent construction does not include land preparation (such as clearing,
5 grading, or filling), the installation of streets or walkways, excavation for a basement,
6 footings, piers, or foundations, the erection of temporary forms, or the installation of
7 accessory buildings such as garages or sheds not occupied as dwelling units or not part
8 of the main buildings. For a substantial improvement, the actual "start of construction"
9 means the first alteration of any wall, ceiling, floor, or other structural part of a building,
10 whether or not that alteration affects the external dimensions of the building.

11 (nn) Substantial damage. Damage of any origin sustained by a building or
12 structure whereby the cost of restoring the building or structure to its before-damaged
13 condition would equal or exceed fifty percent (50%) of the market value of the building
14 or structure before the damage occurred.

15 (oo) Substantial improvement. Any repair, reconstruction, rehabilitation,
16 addition, or other improvement of a building or structure, the cost of which equals or
17 exceeds fifty percent (50%) of the market value of the building or structure before the
18 improvement or repair is started. If the structure has incurred "substantial damage," any
19 repairs are considered substantial improvement regardless of the actual repair work
20 performed. The term does not, however, include either:

- 21 (1) Any project for improvement of a building required to correct existing
22 health, sanitary, or safety code violations identified by the Building Official
23 and that are the minimum necessary to ensure safe living conditions; or
24

1 (2) Any alteration of a historic structure, provided the alteration will not
2 preclude the structure's continued designation as a historic structure.

3 (pp) Variance. A grant of relief from the requirements of this Article, or the
4 flood resistant construction requirements of the *Florida Building Code*, which permits
5 construction in a manner that would not otherwise be permitted by this Article or the
6 *Florida Building Code*.

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

9 DIVISION 3. FLOOD RESISTANT DEVELOPMENT

10 **Sec. 5-88. Buildings, Structures, and Facilities.**

11 Design and construction of buildings, structures, and facilities exempt from the
12 *Florida Building Code*. Pursuant to Subsection 5-81(c) of this Article, buildings, structures,
13 and facilities that are exempt from the *Florida Building Code*, including substantial
14 improvement or repair of substantial damage of such buildings, structures, and facilities,
15 shall be designed and constructed in accordance with the flood load and flood resistant
16 construction requirements of ASCE 24. Structures exempt from the *Florida Building Code*
17 that are not walled and roofed buildings shall comply with the requirements of Section 5-94
18 of this Article.

19 **Sec. 5-89. Subdivisions.**

20 (a) Review of proposed subdivision. Proposed subdivisions, including
21 proposals for manufactured home parks or subdivisions, shall be reviewed to determine
22 that, at a minimum:

- 23 (1) Such proposals are consistent with the need to minimize flood damage
24 and that the proposed subdivisions will be reasonably safe from flooding;

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

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

7 (b) Proposed subdivision requirements. Where any portion of proposed
8 subdivisions, including manufactured home parks or subdivisions, lies within a flood
9 hazard area, the following shall be required:

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

13 (2) Where the subdivision has more than fifty (50) lots or is larger than five (5)
14 acres and base flood elevations are not included on the FIRM, the base
15 flood elevations shall be determined in accordance with Subsection
16 5-82(b)(1) of this Article; and

17 (3) Compliance with the site improvement and utilities requirements of
18 Section 5-90 of this Article.

19 **Sec. 5-90. Site Improvements, Utilities, and Limitations.**

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

22 (1) Such proposals are consistent with the need to minimize flood damage and
23 that the proposed new development will be reasonably safe from flooding;
24

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

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

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

14 (c) Water supply facilities. All new and replacement water supply facilities
15 shall be designed in accordance with the water well construction standards in Chapter
16 62-532.500, Florida Administrative Code, and ASCE 24, Chapter 7, to minimize or
17 eliminate infiltration of floodwaters into the systems.

18 (d) Limitations on sites in regulatory floodways. No development, including
19 but not limited to site improvements and land disturbing activity involving fill or
20 regrading, shall be authorized in the regulatory floodway unless the floodway
21 encroachment analysis required in Subsection 5-82(c)(1) of this Article demonstrates
22 that the proposed development or land disturbing activity will not result in any increase
23 in the base flood elevation.

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

7 **Sec. 5-91. Manufactured Homes.**

8 (a) General. All manufactured homes installed in flood hazard areas shall be
9 installed by an installer that is licensed pursuant to Section 320.8249, Florida Statutes,
10 and shall comply with the requirements of Chapter 15C-1, Florida Administrative Code,
11 and the requirements of this Article.

12 (b) Foundations. All new manufactured homes and replacement
13 manufactured homes installed in flood hazard areas shall be installed on permanent,
14 reinforced foundations that are designed in accordance with the foundation
15 requirements of the *Florida Building Code, Residential*, Section R322.2, and this Article.

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

1 (d) Elevation. Manufactured homes that are placed, replaced, or substantially
2 improved shall comply with Subsections 5-91(d)(1) or 5-91(d)(2) of this Article, as
3 applicable.

4 (1) General elevation requirement. Unless subject to the requirements of
5 Subsection 5-91(d)(2) of this Article, all manufactured homes that are
6 placed, replaced, or substantially improved on sites located: (a) outside of
7 a manufactured home park or subdivision; (b) in a new manufactured
8 home park or subdivision; (c) in an expansion to an existing manufactured
9 home park or subdivision; or (d) in an existing manufactured home park or
10 subdivision upon which a manufactured home has incurred "substantial
11 damage" as the result of a flood, shall be elevated such that the bottom of
12 the frame is at or above the elevation required, as applicable to the flood
13 hazard area, in the *Florida Building Code, Residential*, Section R322.2
14 (Zone A).

15 (2) Elevation requirement for certain existing manufactured home parks and
16 subdivisions. Manufactured homes that are not subject to Subsection
17 5-91(d)(1) of this Article, including manufactured homes that are placed,
18 replaced, or substantially improved on sites located in an existing
19 manufactured home park or subdivision, unless on a site where
20 substantial damage as a result of flooding has occurred, shall be elevated
21 such that either the:

22 a. Bottom of the frame of the manufactured home is at or above the
23 elevation required in the *Florida Building Code, Residential*, Section
24 R322.2 (Zone A); or

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

4 (e) Enclosures. Enclosed areas below elevated manufactured homes shall
5 comply with the requirements of the *Florida Building Code, Residential*, Section R322.

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

10 **Sec. 5-92. Recreational Vehicles and Park Trailers.**

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

13 (1) Be on the site for fewer than one hundred and eighty (180) consecutive
14 days; or

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

20 (b) Permanent placement. Recreational vehicles and park trailers that do not
21 meet the limitations in Subsection 5-92(a) of this Article for temporary placement shall
22 meet the requirements of Section 5-91 of this Article for manufactured homes.

1 **Sec. 5-93. Tanks.**

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

6 (b) Above-ground tanks, not elevated. Above-ground tanks that do not meet
7 the elevation requirements of Subsection 5-93(c) of this Article shall be permitted in
8 flood hazard areas, provided that the tanks are anchored or otherwise designed and
9 constructed to prevent flotation, collapse, or lateral movement resulting from
10 hydrodynamic and hydrostatic loads during conditions of the design flood, including the
11 effects of buoyancy, assuming that the tank is empty, and the effects of flood-borne
12 debris.

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

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

- 20 (1) At or above the design flood elevation or fitted with covers designed to
21 prevent the inflow of floodwater or outflow of the contents of the tanks
22 during conditions of the design flood; and
23
24

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

4 **Sec. 5-94. Other Development.**

5 (a) General requirements for other development. All development, including
6 human-induced changes to improved or unimproved real estate for which specific
7 provisions are not specified in this Article or the *Florida Building Code*, shall:

- 8 (1) Be located and constructed to minimize flood damage;
9 (2) Meet the limitations of Subsection 5-90(d) of this Article, if located in a
10 regulatory floodway;
11 (3) Be anchored to prevent flotation, collapse, or lateral movement resulting
12 from hydrostatic loads, including the effects of buoyancy, during conditions
13 of the design flood;
14 (4) Be constructed of flood damage-resistant materials; and
15 (5) Have mechanical, plumbing, and electrical systems above the design
16 flood elevation; except that minimum electric service required to address
17 life safety and electric code requirements is permitted below the design
18 flood elevation, provided that it conforms to the electrical requirements of
19 the *Florida Building Code* for wet locations.

20 (b) Fences in regulatory floodways. Fences in regulatory floodways that have
21 the potential to block the passage of floodwaters, including stockade fences and wire
22 mesh fences, shall meet the limitations of Subsection 5-90(d) of this Article.

1 (c) Retaining walls, sidewalks, and driveways in regulatory floodways.
2 Retaining walls, sidewalks, and driveways that involve the placement of fill in regulatory
3 floodways shall meet the limitations of Subsection 5-90(d) of this Article.

4 (d) Roads and watercourse crossings in regulatory floodways. Roads and
5 watercourse crossings, including roads, bridges, culverts, low-water crossings, and
6 similar means for vehicles or pedestrians to travel from one side of a watercourse to the
7 other side, that encroach into regulatory floodways shall meet the limitations of
8 Subsection 5-90(d) of this Article. Alteration of a watercourse that is part of a road or
9 watercourse crossing shall meet the requirements of Subsection 5-82(c)(3) of this
10 Article.

11 Section 3. SEVERABILITY.

12 If any portion of this Ordinance is determined by any Court to be invalid, the
13 invalid portion shall be stricken, and such striking shall not affect the validity of the
14 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
15 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
16 or circumstance(s), such determination shall not affect the applicability hereof to any
17 other individual, group, entity, property, or circumstance.

18 Section 4. INCLUSION IN CODE.

19 It is the intention of the Board of County Commissioners that the provisions of
20 this Ordinance shall become and be made a part of the Broward County Code; and that
21 the sections of this Ordinance may be renumbered or relettered and the word
22 "ordinance" may be changed to "section," "article," or such other appropriate word or
23 phrase in order to accomplish such intentions.

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Section 5. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

ENACTED
FILED WITH THE DEPARTMENT OF STATE
EFFECTIVE

PROPOSED

Approved as to form and legal sufficiency:
Joni Armstrong Coffey, County Attorney

By /s/ Michael C. Owens 04/15/14
Michael C. Owens (date)
Senior Assistant County Attorney

MCO/tlr
04/15/14
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