

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 94 (ZONING AND LAND DEVELOPMENT REGULATIONS), ARTICLE XVII (FLOOD PREVENTION AND CONTROL), SECTION 94-546 (PROVISIONS FOR FLOOD HAZARD REDUCTION) TO INCREASE THE REQUIRED FREEBOARD ELEVATION AND DESIGNATE THOSE RENOVATIONS SUBJECT THERETO; AMENDING SECTION 94-545 (VARIANCE PROCEDURES) REGARDING VARIANCES FOR HISTORIC STRUCTURES; PROVIDING A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

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 City of West Palm Beach 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, the City of West Palm Beach was accepted for participation in the National Flood Insurance Program on March 1, 1979; and

WHEREAS, the Flood Insurance Study for the City of West Palm Beach, Florida, dated September 1978, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps serve as the minimum basis for establishing flood hazard areas; and

WHEREAS, the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for continued participation in the National Flood Insurance Program; and

WHEREAS, elevating buildings higher than the minimum required base flood elevation reduces the frequency and severity of flood damage; and

WHEREAS, an independent study conducted for FEMA determined that the incremental added cost of additional elevation can be offset within a few years (the specific offset will depend in each case on a number of factors such as foundation type and fill); and

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WHEREAS, National Flood Insurance Program premiums are lower for individual buildings that are elevated above the minimum base flood elevation; and

WHEREAS, the City of West Palm Beach Commission desires to adopt a requirement to increase the minimum elevation requirement for buildings and structures in flood hazard areas; and

WHEREAS, the City of West Palm Beach Commission has determined that it is in the public interest and for the benefit of the public safety and general welfare to adopt building freeboard elevations that are above the minimum base flood elevation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The Code of Ordinances of the City of West Palm Beach is hereby amended at Chapter 94, Zoning and Land Development Regulations, Article XVII, Flood Prevention and Control, Section 94-546, Provisions for Flood Hazard Reduction, at subsections (a), (b) and (c) to increase the minimum freeboard elevation and to designate those renovations of existing structures that will be subject to the revised regulation, and these subsections shall now read as follows. All other subsections of Section 94-546 shall remain unchanged.

ARTICLE XVII. - FLOOD PREVENTION AND CONTROL

Sec. 94-546. - Provisions for flood hazard reduction.

- (a) *Areas of special flood hazard generally.* In all areas of special flood hazard, the following provisions are required:
- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure, and shall be constructed with materials and utility equipment resistant to flood damage by methods and practices that minimize flood damage.
 - (2) All new and replacement water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - (3) Any alteration, repair, reconstruction or improvements to a property for which the cumulative cost for any five-year period equals or exceeds 50% of the building value at the commencement of the five-year period. ~~structure on which the start of construction was begun after March 1, 1979,~~ shall meet the requirements of new construction as contained in this article .
 - (4) Any alteration, repair, reconstruction or improvements to a property shall not create adverse stormwater impacts to adjacent properties.

All underlined text is added and all text that is ~~strike-through~~ is deleted.

Asterisks, * * * * *, indicates language not amended which has been omitted to save space.

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- (b) *Areas of special flood hazard with base flood elevation provided.* In all areas of special flood hazard where base flood elevation data has been provided as set forth in this article, the following provisions are required:
- (1) *Residential construction.* All new construction or substantial improvement of any existing residential structure shall have the lowest floor, including basement, elevated to one foot ~~six inches~~ above the base flood elevation.
 - (2) *Nonresidential construction.* All new construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of one foot ~~six inches~~ above the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below one foot ~~six inches~~ above the flood base level the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the city engineer.
 - (3) *Mobile homes.* All mobile homes shall be anchored to resist flotation, collapse or lateral movement by provided over-the-top and frame ties to ground anchors. Over-the-top ties shall be provided at each end of the mobile home, with one additional tie per side at an intermediate location on mobile homes of less than 50 feet and one additional tie per side for mobile homes of 50 feet or more. Frame ties shall be provided at each corner of the home with four additional ties per side at intermediate points for mobile homes of less than 50 feet and one additional tie per side for mobile homes of 50 feet or more. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds. Any additions to the mobile home shall be similarly anchored.
 - (4) *Existing mobile home parks and subdivisions.* For existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, and for mobile homes not placed in a mobile home park or subdivision, the individual standards or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level. Adequate surface drainage and access for a hauler shall be provided. In those cases where pilings are used, lots shall be large enough to permit steps, the piling foundations shall be placed in stable soil no more than ten feet apart, and reinforcement shall be provided for pilings more than six feet above the ground level.
- (c) *Areas of shallow flooding.* For those areas designated as shallow flooding within the areas of special flood hazard, the following provisions shall apply: All new construction and substantial improvements to residential structures shall have the lowest floor, including basement, elevated to one foot ~~six inches~~ above the depth number specified on the FIRM; all new construction and substantial improvements to nonresidential structures shall have the lowest floor, including basement, elevated to one foot ~~six inches~~ above the depth number specified on the FIRM, or, together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight, with walls substantially impermeable to the passage of water and with structural

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components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

SECTION 2: The Code of Ordinances of the City of West Palm Beach is hereby amended at Chapter 94, Zoning and Land Development Regulations, Article XVII, Flood Prevention and Control, Section 94-545 to amend subsection (b) regarding flood control variances for historic buildings, and shall now read as follows. All other subsections shall remain unchanged.

Sec. 94-545. - Variance procedures.

(a) The city building board of adjustments and appeals, as established by the city commission, shall decide appeals and requests for variances from the requirements of this article. The building board of adjustments and appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the building official or city engineer in the enforcement or administration of this article. Any person aggrieved by a decision of the building board of adjustments and appeals may appeal such decision to the circuit court as provided by law.

(b) Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building listed on the National Register of Historic Places, or the West Palm Beach Register of Historic Places, that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, chapter 12 Historic Buildings, upon a determination that:

(i) the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building; and

(ii) the variance is the minimum necessary to preserve the historic character and design of the building.

If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places without regard to the procedures set forth in the remainder of this section.

SECTION 3: The City Commission hereby finds and determines that the amendments set forth in this Ordinance are consistent with the Comprehensive Plan of the City.

SECTION 4: The City Commission hereby finds and determines that the amendments set forth in this Ordinance comply with the amendment

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standards set forth Section 94-32 of the Zoning and Land Development Regulations.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: Should any section or provision of this Ordinance or any portion, paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 7: Authority is hereby granted to codify the text amendments set forth in Sections 1 and 2 of this Ordinance.

SECTION 8: This Ordinance shall take effect in accordance with law.

[SIGNATURES ON FOLLOWING PAGE]

FIRST READING THIS 29TH DAY OF AUGUST, 2016.
SECOND READING AND PASSAGE THIS 12TH DAY OF SEPTEMBER, 2016.



ATTEST:

X *Hazeline F. Carson*

CITY CLERK
Signed by: Hazeline Carson

**CITY OF WEST PALM BEACH BY
ITS CITY COMMISSION:**

X *Sharon L. Materio*

PRESIDING OFFICER
Signed by: Sharon Materio

**APPROVED AS TO FORM AND
LEGALITY:**

9/21/2016

X *Nancy Urcheck*

CITY ATTORNEY
Signed by: NUrcheck