

ORDINANCE NO. 2022-005

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA, AMENDING AND UPDATING CHAPTER 10 "FLOOD PREVENTION AND PROTECTION" OF TOWN'S CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; SUPERSEDING CONFLICTING ORDINANCES AND RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

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 Town of Pembroke Park participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 9, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for the Town of Pembroke Park to qualify for a higher CRS rating in the future, all manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

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

WHEREAS, the Town Commission of the Town of Pembroke Park (the "Town

Commission”) has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for non-elevated wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy; and

WHEREAS, the Town Commission determined that it is in the public interest to amend the floodplain management regulations contained in Chapter 10 of the Town’s Code to better protect manufactured homes and to continue participating in the Community Rating System at the current class rating.

NOW, THEREFORE, BE IT ORDAINED by the **Town Commission** of the **Town of Pembroke Park**:

Section 1: Chapter 10 “Flood Prevention and Protection” Amendment. Chapter 10 is amended as set forth below, as shown in ~~striketrough~~ and underline format.

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Sec. 10-61. Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to thy flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter ~~11~~ 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed precludes the building's continued designation as a historic building, a variance shall be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

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Sec. 10-75. Definitions and scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article, have the meanings shown in this section:

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is limited to parking and storage incidental to the use of the principal structure.

* * *

~~*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 May 1, 1979.

~~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).

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

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

New construction. For the purposes of administration of this article and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after May 1, 1979 and includes any subsequent improvements to such structures.

~~New 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 on or after May 1, 1979.

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Sec. 10-98. Elevation.

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required in the Florida Building Code, Residential Section R3222.2 (Zone A). ~~Manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall comply with section 10-99 or 10-100 of this chapter, as applicable.~~ In areas of the Town not mapped special flood hazard areas, the bottom of the frame shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than twenty (20) inches in height above grade.

~~Sec. 10-99. General elevation requirement.~~

~~Unless subject to the requirements of Section 10-100 of this chapter, 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.~~

~~Sec. 10-100. Elevation requirement for certain existing manufactured home parks and subdivisions.~~

~~Manufactured homes that are not subject to section 10-99 of this chapter, 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:~~

- ~~(a) Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322; or~~
- ~~(b) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty six (36) inches in height above grade.~~

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Sec. 10-119. Non-elevated accessory structures. Accessory structures are permitted below elevations required by the Florida Building Code provided the accessory structures are used only for parking or storage and:

- (a) Are one-story and not larger than 600 sq. ft.
- (b) Have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (c) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (d) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
- (e) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

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Section 2. Codification. It is the intention of the Town Commission of the Town of Pembroke Park, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Pembroke Park's Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 3: Severability. The provisions of this Ordinance are to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that

this Ordinance shall stand notwithstanding the invalidity of any part.


Section 4: Conflict. All Ordinances, parts of Ordinances, Resolutions or parts of Resolutions, in conflict herewith be and the same are hereby superseded to the extent of such conflict.

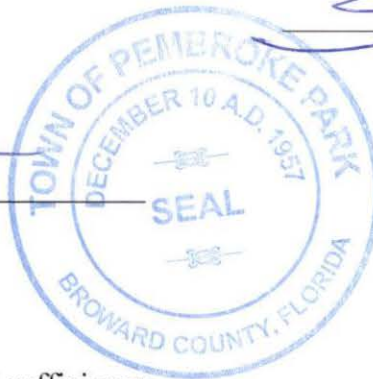
Section 5: Effective Date. This Ordinance shall be in force and take effect as provided by law.

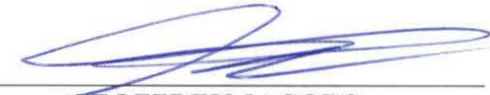
PASSED AND ADOPTED on First Reading this 8th day of June, 2022.

PASSED AND ADOPTED on Second Reading this 13th day of July, 2022.


ATTEST:


MARLEN D. MARTELL
Town Clerk




GEOFFREY JACOBS
Mayor-Commissioner

Approved as to form and legal sufficiency


MELISSA P. ANDERSON
Town Attorney

VOTE

GEOFFREY JACOBS YES

REYNOLD DIEUVEILLE YES

WILLIAM HODGKINS YES