

ORDINANCE NO. 2021-017

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, AMENDING THE CITY OF PARKLAND LAND DEVELOPMENT CODE BY AMENDING ARTICLE 110 "FLOODPLAIN MANAGEMENT-ADMINISTRATION," ARTICLE 115 "FLOODPLAIN MANAGEMENT DEFINITIONS," AND ARTICLE 120 "FLOODPLAIN MANAGEMENT—STANDARDS FOR FLOOD-RESISTANT DEVELOPMENT" TO PROVIDE REGULATIONS FOR ACCESSORY STRUCTURES USED FOR PARKING AND STORAGE IN FLOOD HAZARD AREAS, TO REMOVE PROVISIONS RELATED TO INSTALLATION OF MANUFACTURED HOMES, TO PROVIDE FOR CONSISTENCY WITH APPLICABLE BUILDING CODE AND FEMA POLICY PROVISIONS AND UPDATE CROSS-REFERENCES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, under the Florida Constitution and Section 166.021, Florida Statutes, municipalities are given broad home rule powers, including 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 ("FEMA") released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the City of Parkland participates in the National Flood Insurance Program ("NFIP") 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, achieving a CRS rating of Class 9; 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, staff recently discussed the City's existing regulations with staff at the Florida Dept. of Emergency Management and confirmed the need to update some sections of the City's Land Development Code related to floodplain management; and

WHEREAS, additionally, the City's existing floodplain management regulations address installation of manufactured homes, which is unnecessary because manufactured homes are not a permitted use in the City; and

WHEREAS, the City Commission has determined it appropriate to amend the City's Land Development Code related to floodplain management to: (i) adopt regulations consistent with FEMA Policy for the issuance of permits for wet floodproofed accessory structures used for

storage and parking in flood hazard areas, (ii) remove provisions related to installation of manufactured homes, (iii) provide for consistency with applicable building code and FEMA policy provisions, and (iv) update cross-references.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and incorporated herein by reference.

Section 2. Appendix B of the City of Parkland Code of Ordinances entitled "Land Development Code", Article 110, "Floodplain Management—Administration," Section 110-10, "General" and Section 110-70 "Variances and appeals" are hereby amended to read as follows¹:

APPENDIX B – LAND DEVELOPMENT CODE

Article 110 – Floodplain Management – Administration

Sec. 110-10. - General.

- A. *Title.* These regulations shall be known as the Floodplain Management Ordinance of The City of Parkland, hereinafter referred to as "this ordinance."
- B. *Scope.* The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, 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.

Sec. 110-70. – Variances and appeals.

- E. *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 the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter ~~44~~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

¹ Additions to existing text are shown in underline; deletions from existing text are shown in ~~strike-through~~

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.

Section 3. Appendix B of the City of Parkland Code of Ordinances entitled "Land Development Code", Article 115, "Floodplain Management Definitions," Section 115-20, "Definitions," is hereby amended to read as follows:

APPENDIX B – LAND DEVELOPMENT CODE

Article 115 – Floodplain Management Definitions

Sec. 115-20. - Definitions.

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

~~*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 April 2, 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).~~

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.

~~*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 ordinance, the term refers to the~~ The market value of

buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser, for floodplain management purposes is~~ the Actual Cash Value (like-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 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 April 2, 1979.~~

Section 4. Appendix B of the City of Parkland Code of Ordinances entitled "Land Development Code", Article 120, "Floodplain Management—Standards For Flood-Resistant Development," is hereby amended to read as follows:

APPENDIX B – LAND DEVELOPMENT CODE

Article 120 – Floodplain Management – Standards For Flood-Resistant Development

Sec. 120-10. - Buildings and structures.

- A. *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to subsection 110-40.C. of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 120-70 of this ordinance.
- B. *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, sunken living room, etc., elevated no lower than the elevation required by the Florida Building Code ~~base flood elevation (100-year storm event)~~, or eighteen (18) inches above the crown of the public access road, whichever is greater.
- C. *Nonresidential (commercial) construction.* New construction or substantial improvement of any nonresidential (commercial) structure shall have the lowest floor, including but not limited to the basement or service area, elevated no lower than the elevation required by

the Florida Building Code, or shall be dry floodproofed in accordance with the Florida Building Code.

D. *Accessory structures.* Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

1. *If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential; and*
2. *Are anchored to resist flotation, collapse or lateral movement resulting from flood loads; and*
3. *Have flood damage-resistant materials used below the base flood elevation plus one (1) foot; and*
4. *Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.*

Sec. 120-20. - Subdivisions.

A. *Minimum requirements.* Subdivision proposals, ~~including proposals for manufactured home parks and subdivisions~~, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

B. *Subdivision plats.* Where any portion of proposed subdivisions, ~~including manufactured home parks and subdivisions~~, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plat;
2. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with paragraph 110-50.B.1 of this ordinance; and
3. Compliance with the site improvement and utilities requirements of section 120-30 of this ordinance.

Sec. 120-30. - Site improvements, utilities and limitations

D. *Limitations on sites in regulatory floodways.* No development, including but not limited to

site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in subsection 110-50.DC of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

Sec. 120-40. - Manufactured homes.

Manufactured homes and manufactured home parks or subdivisions are not permitted uses under the Land Development Code.

- A. ~~[Licensed installer required.] All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.~~
- B. ~~Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ordinance.~~
- C. ~~Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over the top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.~~
- C. ~~Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection 120-40.E. or F. of this ordinance, as applicable.~~
- D. ~~General elevation requirement. Unless subject to the requirements of subsection 120-40.F. of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located:~~
 - a. ~~Outside of a manufactured home park or subdivision;~~
 - b. ~~In a new manufactured home park or subdivision;~~
 - c. ~~In an expansion to an existing manufactured home park or subdivision; or~~
 - d. ~~In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).~~

~~E. *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection 120-40.E. of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

- ~~1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2. (Zone A) or Section R322.3 (Zone V); or~~
- ~~2. 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.~~

~~G. *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.~~

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

Sec. 120-50. - Recreational vehicles and park trailers.

A. *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

B. *Permanent placement.* Permanent placement of recreational vehicles or park trailers is not permitted. ~~Recreational vehicles and park trailers that do not meet the limitations in subsection 120-50.A. of this ordinance for temporary placement shall meet the requirements of section 120-40 of this ordinance for manufactured homes.~~

Section 5. All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions, in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. If any phrase, clause, section or other part or application of the Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 7. It is the intention of the City Commission of the City of Parkland that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Parkland, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" maybe be changed to "Section", Article" or such other word or phrase in order to accomplish such intention.

Section 8. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Parkland.

PASSED 1ST READING THIS 20th DAY OF OCTOBER, 2021.

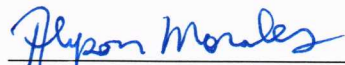
ADOPTED ON 2ND READING THIS 3rd DAY OF NOVEMBER, 2021.

CITY OF PARKLAND, FLORIDA



RICHARD W. WALKER
MAYOR

ATTEST:



ALYSON MORALES, MMC
CITY CLERK

Approved as to form and legality



ANTHONY SOROKA
CITY ATTORNEY



Record of the vote
Mayor Walker
Vice Mayor Mayersohn
Commissioner Brier
Commissioner Cutler
Commissioner Isrow

yes
yes
yes
yes
yes