

ORDINANCE NO. 2024-003

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA AMENDING CHAPTER 9 “FLOOD PREVENTION AND PROTECTION,” SECTION 9-9 “BASIS FOR ESTABLISHING FLOOD HAZARD AREAS,” AND ARTICLE II “DEFINITIONS” OF THE CITY OF WILTON MANORS CODE OF ORDINANCES TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, 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 City of Wilton Manors participates in the National Flood Insurance Program and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Broward County, Florida and Incorporated Areas, with an effective date of July 31, 2024; and

WHEREAS, the City Commission has determined that it is in the public interest to amend Section 9-9 “Basis for Establishing Flood Hazard Areas” and Article II “Definitions” of the City Code of the City of Wilton Manors to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Maps.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA:

;00605299.3 2976-9201291 ;

Section 1: The foregoing “WHEREAS” clauses are hereby ratified as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2: Chapter 9, Section 9-9 “Basis for Establishing Flood Hazard Areas,” of the City Code of the City of Wilton Manors, shall be amended as follows:

Sec. 9-9. Basis for establishing flood hazard areas.

The Flood Insurance Study for Broward County, Florida and Incorporated Areas, dated ~~August 18, 2014~~ July 31, 2024, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the office of city clerk or in the community development services department, City of Wilton Manors, located at 2020 Wilton Drive, Wilton Manors, Florida 33305.

Section 3: Chapter 9, Article II “Definitions,” Division 2 “Definitions,” of the City Code of the City of Wilton Manors, shall be amended as follows:

ARTICLE II. - DEFINITIONS

DIVISION 2. DEFINITIONS

Alteration of a watercourse shall mean a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal shall mean a request for a review of the floodplain administrator's interpretation of any provision of this chapter.

ASCE 24 shall mean a standard titled flood resistant design and construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood shall mean a flood having a one-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation shall mean the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM).

Basement shall mean the portion of a building having its floor subgrade (below ground level) on all sides.

Design flood shall mean the flood associated with the greater of the following two (2) areas:

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- (1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

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

Development shall mean any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment shall mean the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure shall mean any buildings and structures for which the "start of construction" commenced before October 27, 1972.

Existing manufactured home park or subdivision shall mean 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 October 27, 1972.

Expansion to an existing manufactured home park or subdivision shall mean 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).

Federal Emergency Management Agency (FEMA) shall mean the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials shall mean any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood hazard area shall mean the greater of the following two (2) areas:

- (1) The area within a floodplain subject to a one (1) percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

1 *Flood insurance rate map (FIRM)* shall mean the official map of the community on which the
2 Federal Emergency Management Agency has delineated both special flood hazard areas and the risk
3 premium zones applicable to the community.

4 *Flood insurance study (FIS)* shall mean the official report provided by the Federal Emergency
5 Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if
6 applicable), the water surface elevations of the base flood, and supporting technical data.

7 *Floodplain administrator* shall mean the office or position designated and charged with the
8 administration and enforcement of this chapter (may be referred to as the floodplain manager).

9 *Floodplain development permit or approval* shall mean an official document or certificate issued by
10 the community, or other evidence of approval or concurrence, which authorizes performance of specific
11 development activities that are located in flood hazard areas and that are determined to be compliant with
12 this chapter.

13 *Florida Building Code* shall mean the family of codes adopted by the Florida Building Commission,
14 including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code,
15 Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida
16 Building Code, Fuel Gas.

17 *Freeboard* shall mean the additional height, usually expressed as a factor of safety in feet, above a
18 flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown
19 factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of
20 urbanization of the watershed, which could contribute to flood heights greater than the heights calculated
21 for a selected frequency flood and floodway conditions. All new construction, dry floodproofing projects
22 and substantial improvements to existing construction shall meet the minimum freeboard requirement and
23 may exceed the minimum freeboard requirement up to the maximum freeboard without such height
24 counting against the maximum height for construction in the applicable zoning district.

25 *Freeboard, minimum* equals two (2) feet above the base flood elevation.

26 *Freeboard, maximum* equals four (4) feet above the base flood elevation.

27 *Functionally dependent use* shall mean a use which cannot perform its intended purpose unless it is
28 located or carried out in close proximity to water, including only docking facilities, port facilities that are
29 necessary for the loading and unloading of cargo or passengers, and ship building and ship repair
30 facilities; the term does not include long-term storage or related manufacturing facilities.

31 *Hardship* as related to variances from this chapter shall mean the exceptional difficulty associated
32 with the land that would result from a failure to grant the requested variance. The City of Wilton Manors
33 requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic
34 or financial handicaps, personal preferences, or the disapproval of one's neighbors cannot, as a rule,
35 qualify as an exceptional hardship. All of these matters can be resolved through other means without
36 granting a variance, even if the alternative is more expensive, or requires the property owner to build
37 elsewhere or put the parcel to a different use than originally intended.

38 *Highest adjacent grade* shall mean the highest natural elevation of the ground surface prior to
39 construction next to the proposed walls or foundation of a structure.

40 *Historic structure* shall mean any structure that is determined eligible for the exception to the flood
41 hazard area requirements of the Florida Building Code, Existing Building, Chapter 12, Historic Buildings.

1 *Letter of map change (LOMC)* shall mean an official determination issued by FEMA that amends or
2 revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

3 *Letter of map amendment (LOMA)* shall mean an amendment based on technical data showing
4 that a property was incorrectly included in a designated special flood hazard area. A LOMA amends
5 the current effective flood insurance rate map and establishes that a specific property, portion of a
6 property, or structure is not located in a special flood hazard area.

7 *Letter of map revision (LOMR)* shall mean a revision based on technical data that may show
8 changes to flood zones, flood elevations, special flood hazard area boundaries and floodway
9 delineations, and other planimetric features.

10 *Letter of map revision based on fill (LOMR-F)* shall mean a determination that a structure or
11 parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer
12 located within the special flood hazard area. In order to qualify for this determination, the fill must
13 have been permitted and placed in accordance with the community's floodplain management
14 regulations.

15 *Conditional letter of map revision (CLOMR)* shall mean a formal review and comment as to
16 whether a proposed flood protection project or other project complies with the minimum NFIP
17 requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR
18 does not revise the effective flood insurance rate map or flood insurance study; upon submission and
19 approval of certified as-built documentation, a letter of map revision may be issued by FEMA to
20 revise the effective FIRM.

21 *Light-duty truck* shall mean as defined in 40 C.F.R. 86.082-2, any motor vehicle rated at eight thousand
22 five hundred (8,500) pounds gross vehicular weight rating or less which has a vehicular curb weight of six
23 thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or
24 less, which is:

- 25 (1) Designed primarily for purposes of transportation of property or is a derivation of such a
26 vehicle;
- 27 (2) Designed primarily for transportation of persons and has a capacity of more than twelve (12)
28 persons; or
- 29 (3) Available with special features enabling off-street or off-highway operation and use.

30 *Lowest floor* shall mean the lowest floor of the lowest enclosed area of a building or structure,
31 including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement,
32 usable solely for vehicle parking, building access or limited storage provided that such enclosure is not
33 built so as to render the structure in violation of the non-elevation requirements of the Florida Building
34 Code or ASCE 24.

35 *Manufactured home* shall mean a structure, transportable in one or more sections, which is eight (8)
36 feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent,
37 integral chassis and is designed for use with or without a permanent foundation when attached to the
38 required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park
39 trailer." [Also defined in 15C-1.0101, F.A.C.]

40 *Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into
41 two (2) or more manufactured home lots for rent or sale.

1 *Market value* shall mean the price at which a property will change hands between a willing buyer
2 and a willing seller, neither party being under compulsion to buy or sell and both having reasonable
3 knowledge of relevant facts. As used in this chapter, the term refers to the market value of buildings and
4 structures, excluding the land and other improvements on the parcel. Market value may be established by
5 a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of
6 construction), or tax assessment value adjusted to approximate market value by a factor provided by the
7 property appraiser value of buildings and structures, excluding the land and other improvements on the
8 parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear,
9 neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment
10 value adjusted to approximate market value by a factor provided by the Broward County Property
11 Appraiser.

12 *New construction* shall mean for the purposes of administration of this chapter and the flood
13 resistant construction requirements of the Florida Building Code, structures for which the "start of
14 construction" commenced on or after October 27, 1972, and includes any subsequent improvements to
15 such structures.

16 *New manufactured home park or subdivision* shall mean a manufactured home park or subdivision
17 for which the construction of facilities for servicing the lots on which the manufactured homes are to be
18 affixed (including at a minimum, the installation of utilities, the construction of streets, and either final
19 site grading or the pouring of concrete pads) is completed on or after October 27, 1972.

20 *Park trailer* shall mean a transportable unit which has a body width not exceeding fourteen (14) feet
21 and which is built on a single chassis and is designed to provide seasonal or temporary living quarters
22 when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. §
23 320.01.]

24 *Recreational vehicle* shall mean a vehicle, including a park trailer, which is: [See in F.S. § 320.01.]

- 25 (1) Built on a single chassis;
26 (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
27 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
28 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for
29 recreational, camping, travel, or seasonal use.

30 *Special flood hazard area* shall mean an area in the floodplain subject to a one percent or greater
31 chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-
32 A30, AE, A99, AH, V1-V30, VE or V.

33 *Start of construction* shall mean the date of issuance for new construction and substantial
34 improvements to existing structures, provided the actual start of construction, repair, reconstruction,
35 rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the
36 date of the issuance. The actual start of construction means either the first placement of permanent
37 construction of a building (including a manufactured home) on a site, such as the pouring of slab or
38 footings, the installation of piles, the construction of columns.

39 Permanent construction does not include land preparation (such as clearing, grading, or filling), the
40 installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection
41 of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as
42 dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of

construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial damage shall mean damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the building or structure before the damage occurred.

Substantial improvement shall mean any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to May 26, 2020. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

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

Variance shall mean a grant of relief from the requirements of this chapter, or the flood resistant construction requirements of the Florida Building Code, based upon a hardship, which permits construction in a manner that would not otherwise be permitted by this chapter or the Florida Building Code.

Watercourse shall mean a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Section 4: Applicability. For the purposes of jurisdictional applicability, this Ordinance shall apply in the City of Wilton Manors, Florida. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this Ordinance.

Section 5: Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 6: Conflicts. That all Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 7. Effective Date.

Except as otherwise provided for herein, this

Ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA, THIS 11th DAY OF JUNE, 2024.


PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS 25th DAY OF June, 2024.

CITY OF WILTON MANORS, FLORIDA

By:

SCOTT NEWTON, MAYOR

ATTEST:


FAITH LOMBARDO, J.D., CMC
CITY CLERK

RECORD OF COMMISSION VOTE: 1ST
Reading

MAYOR NEWTON
VICE MAYOR BRACCHI
COMMISSIONER CAPUTO
COMMISSIONER D'ARMINIO
COMMISSIONER ROLLI

Aye
Aye
Aye
Aye
Absent

I HEREBY CERTIFY that I have
approved the form of this Ordinance.

/s/ Kerry L. Ezrol

KERRY L. EZROL, ESQ.
CITY ATTORNEY

RECORD OF COMMISSION VOTE: 2ND
Reading

MAYOR NEWTON
VICE MAYOR BRACCHI
COMMISSIONER CAPUTO
COMMISSIONER D'ARMINIO
COMMISSIONER ROLLI

Aye
Aye
Aye
Aye
Aye



WILTON MANORS, *Island City*

2020 WILTON DRIVE, WILTON MANORS, FLORIDA 33305

COMMUNITY DEVELOPMENT SERVICES

(954) 390-2180 FAX: (954) 567-6069

Life's Just Better Here

TO: Mayor and City Commission

THRU: Leigh Ann Henderson, City Manager

FROM: Roberta Moore, Community Development Services Director

DATE: May 20, 2024 / June 12, 2024

RE: Proposed amendments to the Code of Ordinances, Chapter 9 entitled "Flood Prevention and Protection".

Chapter 9 entitled "Flood Prevention and Protection" of the City of Wilton Manors ("City") Code of Ordinances provides for policies and regulations related to floodplain management.

The Federal Emergency Management Agency ("FEMA") in collaboration with the Florida Division of Emergency Management ("FDEM") and Broward County have updated the flood maps for the State of Florida, including Broward County and the City of Wilton Manors. The City is required to amend our floodplain management regulations to reflect the effective date of the new flood maps. In addition, FDEM has indicated that the definition of "market value" is required to be amended.

The following amendments are proposed for Chapter 9:

Section 9-9. Basis for establishing flood hazard areas.

- Amend the effective date from "August 18, 2014" to "July 31, 2024".

Section 9-53. Terms not defined.

- Amend definition of "market value".

City Commission (June 11, 2024)

Commissioner Caputo made a motion to approve Ordinance No. 2024-003, seconded by Vice Mayor Bracchi. Motion passed 4-0.



City of Wilton Manors
Business Impact Estimate

Note: The business impact estimate must be posted on the City's website no later than the date the notice of proposed enactment is published per Section 166.041(4) Florida Statutes. This business impact estimate may be revised following its initial posting.

Ordinance title/reference:

Amendments to Chapter 9 of the City of Wilton Manors Code of Ordinances entitled "Flood Prevention and Protection" relating to amendments to the adoption date of FEMA maps and the definition of market value.

Does any of the following exceptions to the Business Impact Estimate requirement apply? If so, check the applicable box and leave the remainder of the form blank.

- ☐ The ordinance is required for compliance with federal or state law or regulation;
- ☐ The ordinance relates to the issuance or refinancing of debt;
- ☐ The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the County;
- ☐ The ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

Business Impact:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

2. Estimate of direct economic impact of the proposed ordinance on private, for- profit businesses in the City of Wilton Manors (each is required):
 - 2.1 An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted

 - 2.2 Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible

 - 2.3 An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:

3. A good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

4. Additional information (if any):