

42 requirements for buildings in areas outside of flood hazard areas (referred to as Zone X), creating
43 and amending definitions to align with the new procedures, reducing the threshold defining
44 substantial improvement and substantial damage, (3) applying coastal high hazard area
45 requirements in certain designated areas that are subject to moderate wave action; and

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47 **WHEREAS**, the Mayor and City Commission of the City of Hallandale Beach have
48 determined that it is in the public interest to adopt modifications to the floodplain management
49 regulations that are coordinated with the *Florida Building Code*.

50
51 **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Commission of the City of
52 Hallandale Beach that the following amendments to the floodplain management regulations are
53 hereby adopted.

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55 **SECTION 1.** The foregoing “WHEREAS” clauses are hereby ratified and confirmed as
56 being true and correct and are hereby made a specific part of this Ordinance upon adoption
57 hereof.

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59 **SECTION 2.** Article III “FLOODPLAIN MANAGEMENT” is hereby amended to read as:

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62 **ARTICLE III. FLOODPLAIN MANAGEMENT**

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64 **DIVISION 1 ADMINISTRATION**

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66 **SECTION 8-71 GENERAL**

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70 **(b) Scope.** The provisions of this ordinance shall apply to all development that is wholly within or
71 partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading,
72 and other site improvements and utility installations; construction, alteration, remodeling,
73 enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and
74 facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of
75 manufactured homes and manufactured buildings; installation or replacement of tanks; placement of
76 recreational vehicles; installation of swimming pools; and any other development. Where explicitly
77 stated, this ordinance shall apply to areas outside of flood hazard areas.

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82 **SECTION 8-72 APPLICABILITY**
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86 **(b) Areas to which this ordinance applies.** Unless explicitly stated otherwise, this This
87 ordinance shall apply to all flood hazard areas within the City of Hallandale Beach, as established
88 in Section 8-72(c) of this ordinance.

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90 Sec. 8-74. - Permits.

91 (f) Expiration. A floodplain development permit or approval shall become invalid unless the work
92 authorized by such permit is commenced within 180 days after its issuance, or if the work
93 authorized is suspended or abandoned for a period of 180 days after the work commences.
94 A one-time extension of ~~Extensions for periods of~~ not more than 180 days each shall be
95 requested in writing and justifiable cause shall be demonstrated.

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98 **SECTION 8-80 DEFINITIONS**
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101 **Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision
102 of this ordinance ~~or a request for a variance.~~

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104 **Coastal A Zone.** Flood hazard areas that are:

- 105 (1) Seaward of SR A1A and designated on the Flood Insurance Rate Map as Zone A, AE,
106 AO, A1-A30, AE, A99, or AH.
107 (2) Landward of a Zone V where the inland limit of breaking wave heights greater than or
108 equal to 1 ½ feet is delineated on the FIRM.

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111 **Crown of road.** The elevation of the highest surface of street pavement within the right-of-way
112 abutting the property relative to the National Geodetic Vertical Datum (NGVD) or North America
113 Vertical Datum (NAVD) or otherwise approved by the City Engineer.

114
115 **Start of construction.** The date of issuance of permits for new construction and substantial
116 improvements to existing structures, provided the actual start of construction, repair,
117 reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the
118 date of the issuance. The actual start of construction means either the first placement of
119 permanent construction of a building (including a manufactured home) on a site, such as the

120 pouring of slab or footings, the installation of piles, the construction of columns.

121
122 Permanent construction does not include land preparation (such as clearing, grading, or filling),
123 the installation of streets or walkways, excavation for a basement, footings, piers, or foundations,
124 the erection of temporary forms or the installation of accessory buildings such as garages or
125 sheds not occupied as dwelling units or not part of the main buildings. For a substantial
126 improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor
127 or other structural part of a building, whether or not that alteration affects the external dimensions
128 of the building. [Also defined in FBC, B Section 1612.2.]

129
130 **Substantial damage.** Damage of any origin sustained by a building or structure whereby the cost
131 of restoring the building or structure to its before-damaged condition would equal or exceed ~~50~~
132 49 percent of the market value of the building or structure before the damage occurred. [Also
133 defined in FBC, B Section 1612.2.]

134
135 **Substantial improvement.** Any repair, reconstruction, rehabilitation, addition, or other
136 improvement of a building or structure, the cost of which equals or exceeds ~~50~~ 49 percent of the
137 market value of the building or structure before the improvement or repair is started. If the
138 structure has incurred "substantial damage," any repairs are considered substantial improvement
139 regardless of the actual repair work performed. The term does not, however, include either: [Also
140 defined in FBC, B, Section 1612.2.]

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

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151 **DIVISION 3 FLOOD RESISTANT DEVELOPMENT**

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153 **SECTION 8-81 BUILDINGS AND STRUCTURES**

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155 (c) **Specific methods of construction and requirements.** Pursuant to Broward County
156 Administrative Provisions for the *Florida Building Code*, the following specific methods of
157 construction and requirements apply:

- 158 (1) ~~.Additional elevation (freeboard) for one and two family dwellings. For dwellings in~~
159 ~~special flood hazard areas, buildings in special flood hazard areas the minimum~~
160 ~~elevation requirements in the Florida Building Code, Residential, shall be to or above the~~
161 ~~base flood elevation plus one foot. dwellings;~~
- 162 a. For new construction of one and two family dwellings, the minimum elevation
163 requirements in the *Florida Building Code, Residential*, shall be to or above the
164 base flood elevation plus 1 foot or a minimum of 8 inches above the highest
165 adjacent crown of road or site grade, whichever is higher.
- 166 b. For all other new construction, the minimum elevation requirements in the *Florida*
167 *Building Code, Building* or a minimum of 4 inches above the highest adjacent
168 crown of road or site grade, whichever is higher, shall apply.
- 169 (2) Additional elevation of buildings outside the special flood hazard areas (i.e., Zone X):
- 170 a. For new construction of one and two family dwellings, the lowest floor shall be a
171 minimum of 8 inches above the highest adjacent crown of road or site grade,
172 whichever is higher.
- 173 b. For all other new construction, the lowest floor shall be a minimum of 4 inches
174 above the highest crown of the road or site grade, whichever is higher.
- 175 (3) Elevations for Substantial Improvement/Substantial Damage in special flood hazard
176 areas:
- 177 a. For all one and two family dwellings, the minimum elevation requirements shall
178 be to or above the base flood elevation.
- 179 b. For all other buildings, the minimum elevation requirements of the *Florida Building*
180 *Code, Building*, shall apply.
- 181 (4) Elevations for Substantial Improvement/Substantial Damage outside the special flood
182 hazard areas (i.e. Zone X) shall have minimum elevation requirements for all buildings
183 that are equal to or higher than the existing lowest floor.
- 184
- 185 (5) Limitations on enclosed areas below elevated buildings. For buildings in special
186 flood hazard areas, the following limitations apply to enclosed areas below elevated
187 buildings:
- 188 a. Access shall be the minimum necessary to allow for only parking of vehicles
189 (garage door), limited storage of maintenance equipment in connection with the
190 premises (standard exterior door), or entry to the living area (stairway or elevator).
- 191 b. The interior portion shall not be temperature controlled, partitioned, or finished into
192 separate room.
- 193
- 194 (6) Substantial Damage and Substantial Improvement. In the *Florida Building Code,*
195 *Building* and *Florida Building Code, Existing Building*, definitions for the terms
196 “substantial damage” and “substantial improvement” shall be as follows:
- 197 a. Substantial damage. Damage of any origin sustained by a building or structure
198 whereby the cost of restoring the building or structure to its before-damaged
199 condition would equal or exceed 49 percent of the market value of the building or

200 structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

201 **b. Substantial improvement.** Any repair, reconstruction, rehabilitation, addition, or
202 other improvement of a building or structure, the cost of which equals or exceeds
203 49 percent of the market value of the building or structure before the improvement
204 or repair is started. If the structure has incurred "substantial damage," any repairs
205 are considered substantial improvement regardless of the actual repair work
206 performed. The term does not, however, include either: [Also defined in FBC, B,
207 Section 1612.2.]

208 (1) Any project for improvement of a building required to correct existing health,
209 sanitary, or safety code violations identified by the building official and that are
210 the minimum necessary to assure safe living conditions.

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

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214 SECTION 8-83 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

215
216 **(f) Limitations on sites in coastal high hazard areas (Zone V) and Coastal A Zones.** In
217 coastal high hazard areas and Coastal A Zones, alteration of sand dunes and mangrove stands
218 shall be permitted only if such alteration is approved by the Florida Department of Environmental
219 Protection and only if the engineering analysis required by Section 8-75.3(4) of this ordinance
220 demonstrates that the proposed alteration will not increase the potential for flood damage.
221 Construction or restoration of dunes under or around elevated buildings and structures shall
222 comply with Section 8-87.8(3) of this ordinance.
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228 SECTION 8-84 MANUFACTURED HOMES

229 **(b) Foundations.** All new manufactured homes and replacement manufactured homes installed
230 in flood hazard areas shall be installed on permanent, reinforced foundations that:
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233 (1) In flood hazard areas (Zone A) other than coastal high hazard areas and Coastal A Zones,
234 are designed in accordance with the foundation requirements of the *Florida Building Code,*
235 *Residential* Section R322.2 and this ordinance.
236

237 (2) In coastal high hazard areas (Zone V) and Coastal A Zones, are designed in accordance
238 with the foundation requirements of the *Florida Building Code, Residential* Section R322.3
239 and this ordinance.

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241 **(e) General elevation requirement.** Unless subject to the requirements of Section 8-84.4.2 of

242 this ordinance, all manufactured homes that are placed, replaced, or substantially improved on
243 sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured
244 home park or subdivision; (c) in an expansion to an existing manufactured home park or
245 subdivision; or (d) in an existing manufactured home park or subdivision upon which a
246 manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated
247 such that the bottom of the frame is at or above the elevation required, as applicable to the flood
248 hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3
249 (Zone V and Coastal A Zones) and Section 8-81.3 of this ordinance.

250
251 **(f) Elevation requirement for certain existing manufactured home parks and subdivisions.**
252 Manufactured homes that are not subject to Section 8-84.4.1 of this ordinance, including
253 manufactured homes that are placed, replaced, or substantially improved on sites located in an
254 existing manufactured home park or subdivision, unless on a site where substantial damage as
255 result of flooding has occurred, shall be elevated such that either the:

- 256 (1) Bottom of the frame of the manufactured home is at or above the elevation required, as
257 applicable to the flood hazard area, in the *Florida Building Code, Residential* Section
258 R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zones); or
- 259 (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at
260 least equivalent strength that are not less than 36 inches in height above grade.

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262 **SECTION 8-86 TANKS**

263 **(b) Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation
264 requirements of Section 8-86.3 of this ordinance shall:

- 267 (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas,
268 provided the tanks are anchored or otherwise designed and constructed to prevent
269 flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads
270 during conditions of the design flood, including the effects of buoyancy assuming the tank
271 is empty and the effects of flood-borne debris.
- 272 (2) Not be permitted in coastal high hazard areas (Zone V) and Coastal A Zones.

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276 **SECTION 8-87 OTHER DEVELOPMENT**

280 **(e) Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways,**
281 **patios and similar nonstructural uses in coastal high hazard areas (Zone V) and Coastal A**
282 **Zones.** In coastal high hazard areas and Coastal A Zones, concrete slabs used as parking pads,
283 enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted
284 beneath or adjacent to buildings and structures provided the concrete slabs are designed and
285 constructed to be:

- 286 (1) Structurally independent of the foundation system of the building or structure;
- 287 (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of
288 causing significant damage to any structure; and
- 289 (3) Have a maximum slab thickness of not more than four (4) inches.

290
291 **(f) Decks and patios in coastal high hazard areas (Zone V) and Coastal A Zones.** In addition
292 to the requirements of the *Florida Building Code*, in coastal high hazard areas and Coastal A
293 Zones decks and patios shall be located, designed, and constructed in compliance with the
294 following:

- 295 (1) A deck that is structurally attached to a building or structure shall have the bottom of the
296 lowest horizontal structural member at or above the design flood elevation and any
297 supporting members that extend below the design flood elevation shall comply with the
298 foundation requirements that apply to the building or structure, which shall be designed to
299 accommodate any increased loads resulting from the attached deck.
- 300 (2) A deck or patio that is located below the design flood elevation shall be structurally
301 independent from buildings or structures and their foundation systems, and shall be
302 designed and constructed either to remain intact and in place during design flood
303 conditions or to break apart into small pieces to minimize debris during flooding that is
304 capable of causing structural damage to the building or structure or to adjacent buildings
305 and structures.
- 306 (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is
307 constructed with more than the minimum amount of fill necessary for site drainage shall
308 not be approved unless an analysis prepared by a qualified registered design professional
309 demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that
310 would increase damage to the building or structure or to adjacent buildings and structures.
- 311 (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at
312 natural grade or on nonstructural fill material that is similar to and compatible with local
313 soils and is the minimum amount necessary for site drainage may be approved without
314 requiring analysis of the impact on diversion of floodwaters or wave runup and wave
315 reflection.

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317 **(g) Other development in coastal high hazard areas (Zone V) and Coastal A Zones.** In
318 coastal high hazard areas and Coastal A Zones, development activities other than buildings and
319 structures shall be permitted only if also authorized by the appropriate federal, state or local
320 authority; if located outside the footprint of, and not structurally attached to, buildings and

321 structures; and if analyses prepared by qualified registered design professionals demonstrate no
322 harmful diversion of floodwaters or wave runup and wave reflection that would increase damage
323 to adjacent buildings and structures. Such other development activities include but are not limited
324 to:

- 325 (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- 326 (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and
327 constructed to fail under flood conditions less than the design flood or otherwise function
328 to avoid obstruction of floodwaters; and
- 329 (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled
330 systems or mound systems.

331
332 **(h) Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones.** In coastal
333 high hazard areas and Coastal A Zones:

- 334 (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted
335 for landscaping and for drainage purposes under and around buildings.
- 336 (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units
337 horizontal shall be permitted only if an analysis prepared by a qualified registered design
338 professional demonstrates no harmful diversion of floodwaters or wave runup and wave
339 reflection that would increase damage to adjacent buildings and structures.
- 340 (3) Where authorized by the Florida Department of Environmental Protection or applicable
341 local approval, sand dune construction and restoration of sand dunes under or around
342 elevated buildings are permitted without additional engineering analysis or certification of
343 the diversion of floodwater or wave runup and wave reflection if the scale and location of
344 the dune work is consistent with local beach-dune morphology and the vertical clearance
345 is maintained between the top of the sand dune and the lowest horizontal structural
346 member of the building.

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351 **SECTION 3. APPLICABILITY.** For the purposes of jurisdictional applicability, this
352 ordinance shall apply in the City of Hallandale Beach. This ordinance shall apply to all
353 applications for development, including building permit applications and subdivision proposals,
354 submitted on or after the effective date.

355
356 **SECTION 4. CODIFICATION.** It is the intent of the City Commission of the City of
357 Hallandale Beach that the provisions of this ordinance shall become and be made a part of the
358 City of Hallandale Beach's Code of Ordinances, and that the sections of this ordinance may be
359 renumbered or relettered and the word "ordinance" may be changed to "section," "article,"
360 "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

361
362 **SECTION 5. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of
363 this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such
364 decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than
365 the part so declared.

366
367 **SECTION 6. CONFLICT.** All ordinances or portions of the Code of Ordinances of the City
368 of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent
369 of such conflict.

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372 **SECTION 7. EFFECTIVE DATE.** This ordinance shall take effect on upon its passage
373 and adoption by the Hallandale Beach City Commission.

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375 APPROVED AND ADOPTED on first reading July 6, 2016.

376 ADOPTED on second reading August 17, 2016.

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JOY F. COOPER
MAYOR

381
382 SPONSORED BY: CITY ADMINISTRATION

383
384 ATTEST:

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MARIO BATAILLE, CMC
CITY CLERK

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391 APPROVED AS TO LEGAL SUFFICIENCY and
392 FORM

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396

V. LYNN WHITFIELD
CITY ATTORNEY