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3 **ORDINANCE NO. 2016 - 15**
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5 **AN ORDINANCE BY THE MAYOR AND CITY COMMISSION OF**
6 **THE CITY OF HALLANDALE BEACH, FLORIDA AMENDING**
7 **THE CITY OF HALLANDALE BEACH CODE OF ORDINANCES**
8 **TO REVISE ARTICLE III "FLOODPLAIN MANAGEMENT",**
9 **SECTIONS 8-71 THROUGH 8-87; INCREASING MINIMUM**
10 **ELEVATION REQUIREMENTS FOR BUILDING; REDUCING**
11 **THRESHOLD DEFINING SUBSTANTIAL IMPROVEMENT AND**
12 **SUBSTANTIAL DAMAGE; APPLYING COASTAL HIGH**
13 **HAZARD AREA REQUIREMENTS IN DESIGNATED AREAS;**
14 **PROVIDING FOR APPLICABILITY; PROVIDING FOR**
15 **CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR**
16 **SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**
17

18 **WHEREAS**, in Chapter 166, Florida Statutes, the Legislature of the State of Florida has
19 conferred upon local governments the authority to adopt regulations designed to promote the
20 public health, safety, and general welfare of its citizenry; and
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22 **WHEREAS**, the Federal Emergency Management Agency has identified special flood
23 hazard areas within the boundaries of the City of Hallandale Beach which may be subject to
24 periodic inundation and which may result in loss of life and property; health and safety hazard;
25 disruption of commerce and governmental services; extraordinary public expenditures for flood
26 protection and relief; and impairment of the tax base, all of which adversely affect the public
27 health, safety and general welfare; and
28

29 **WHEREAS**, the Mayor and City Commission of the City of Hallandale Beach desire to
30 continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60,
31 necessary for participation in the National Flood Insurance Program, to provide a higher level of
32 protection to the citizens and property in the City, and to improve standing in the National Flood
33 Insurance Program's Community Rating System. The City of Hallandale Beach was accepted for
34 participation on November 24, 1972; and
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36 **WHEREAS**, the Mayor and City Commission of the City of Hallandale Beach adopted
37 Article III "Floodplain Management" on June 4, 2014; and
38

39 **WHEREAS**, City Administration requests the following revisions to the ordinance, which
40 include revising a requirement to increase the minimum elevation requirement for buildings in
41 flood hazard areas and strengthening a requirement to increase the minimum elevation

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

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

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Article III "FLOODPLAIN MANAGEMENT" is hereby amended to read as:

ARTICLE III. FLOODPLAIN MANAGEMENT

DIVISION 1 ADMINISTRATION

SECTION 8-71 GENERAL

(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. Where explicitly stated, this ordinance shall apply to areas outside of flood hazard areas.

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.

89 *****

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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97
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.~~

103
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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110
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

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

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as 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. [Also defined in FBC, B Section 1612.2.]

Substantial damage. 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 ~~50~~ 49 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds ~~50~~ 49 percent of the market value of the building or structure before the improvement or repair is started. 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: [Also defined in FBC, B, Section 1612.2.]

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and 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.

DIVISION 3 FLOOD RESISTANT DEVELOPMENT

SECTION 8-81 BUILDINGS AND STRUCTURES

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

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

b. **Substantial improvement.** Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 49 percent of the market value of the building or structure before the improvement or repair is started. 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: [Also defined in FBC, B, Section 1612.2.]

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and 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.

SECTION 8-83 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

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

SECTION 8-84 MANUFACTURED HOMES

(b) Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

(1) In flood hazard areas (Zone A) other than coastal high hazard areas and Coastal A Zones, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance.

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

(e) General elevation requirement. Unless subject to the requirements of Section 8-84.4.2 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) or Section R322.3 (Zone V and Coastal A Zones) and Section 8-81.3 of this ordinance.

(f) Elevation requirement for certain existing manufactured home parks and subdivisions.

Manufactured homes that are not subject to Section 8-84.4.1 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 and Coastal A Zones); 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 36 inches in height above grade.

SECTION 8-86 TANKS

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

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

SECTION 8-87 OTHER DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED AND ADOPTED on first reading July 6, 2016.

ADOPTED on second reading August 17, 2016.

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

MARIO BATAILLE, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY and
FORM

V. LYNN WHITFIELD
CITY ATTORNEY