

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

First Reading Date: June 17, 2025

Second Reading Date: July 9, 2025

Presenter's Name and Title: Tekisha Jordan, Assistant Director of Building, Planning and Zoning Department

Prepared By: Nixon Lebrun, Director of Building, Planning and Zoning Department

Temp. Ord. Number: 1830

Item Description: **FIRST READING** of Temp. Ord. 1830, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 THEREOF, AND SECTIONS 166.041(3)(A) AND 553.3(5), FLORIDA STATUTES; AMENDING CHAPTER 8, "DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY," BY REPEALING, REENACTING, REVISING, AND REORGANIZING SECTION 816, "STORM DRAINAGE, WATER MANAGEMENT DESIGN AND FLOODPLAIN MANAGEMENT STANDARDS;" AMENDING CHAPTER 2, "DEFINITIONS," BY EXPANDING AND MERGING THE CONTENT OF SUBSECTION 816.9, "DEFINITIONS," UNDER SECTION 202, "SPECIFIC TERMS;" AND CREATING A NEW CHAPTER 6, "FLOODPLAIN MANAGEMENT," TO RELOCATE THEREIN ALL SUBSECTIONS OF SECTION 816, EXCEPT SUBSECTION 816.9; TO REFORMAT AND AMEND PREVIOUSLY ADOPTED LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE FOR THE PURPOSE OF PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM PROMULGATED PURSUANT TO TITLE 42 UNITED STATES CODE, SECTION 4022; PROVIDING FOR CONFORMITY WITH THE FLORIDA BUILDING CODE; PROVIDING FOR HIGHER DESIGN FLOOD ELEVATION; PROVIDING FOR AN EXPANDED AND CONSOLIDATED LIST OF DEFINITION OF TERMS; PROVIDING FOR EASE OF REFERENCE AND THE REMOVAL OF ANTIQUATED CONTENT; MAKING FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Consent ☐ Resolution ☐ Ordinance ☒ Quasi-Judicial ☐ Public Hearing ☐

Instructions for the Office of the City Clerk: None

Public Notice – As required by the Sec. 301.11.1 of the City Land Development Code and/or Sec. 166.041(3)(A), Florida Statutes, public notice for this item was provided as follows: on 6/4/2025 in a newspaper ad in the Sun Sentinel; by the posting the property on _____ and/or by sending mailed notice to property owners within _____ feet of the property on _____ (fill in all that apply)

Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____, Florida Statutes, approval of this item requires a _____ (unanimous, 4/5ths etc.) vote by the City Commission.

Fiscal Impact: Yes ☐ No ☒

Exempt from Business Impact Estimate: Yes ☐ No ☒

REMARKS: [Click or tap here to enter text.](#)

Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Ordinance TO1830**

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Miramar's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 THEREOF, AND SECTIONS 166.041(3)(A) AND 553.3(5), FLORIDA STATUTES; AMENDING CHAPTER 8, "DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY," BY REPEALING, REENACTING, REVISING, AND REORGANIZING SECTION 816, "STORM DRAINAGE, WATER MANAGEMENT DESIGN AND FLOODPLAIN MANAGEMENT STANDARDS;" AMENDING CHAPTER 2, "DEFINITIONS," BY EXPANDING AND MERGING THE CONTENT OF SUBSECTION 816.9, "DEFINITIONS," UNDER SECTION 202, "SPECIFIC TERMS;" AND CREATING A NEW CHAPTER 6, "FLOODPLAIN MANAGEMENT," TO RELOCATE THEREIN ALL SUBSECTIONS OF SECTION 816, EXCEPT SUBSECTION 816.9; TO REFORMAT AND AMEND PREVIOUSLY ADOPTED LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE FOR THE PURPOSE OF PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM PROMULGATED PURSUANT TO TITLE 42 UNITED STATES CODE, SECTION 4022; PROVIDING FOR HIGHER DESIGN FLOOD ELEVATION; PROVIDING FOR CONFORMITY WITH THE FLORIDA BUILDING CODE; PROVIDING FOR AN EXPANDED AND CONSOLIDATED LIST OF DEFINITION OF TERMS; PROVIDING FOR EASE OF REFERENCE AND THE REMOVAL OF ANTIQUATED CONTENT; MAKING FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Miramar is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Miramar is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed 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 municipal government;
- ☐ The proposed ordinance is an emergency ordinance;

¹ See Section 166.041(4)(c), Florida Statutes.

- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
- a. Part II of Chapter 163, Florida Statutes, 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, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Miramar hereby publishes the following information:

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

The proposed Ordinance seeks first to reformat previously adopted local amendments to the Florida Building Code ("FBC") to modify elevation requirements, to add limitations to enclosures below elevated buildings, and to require non-conversion agreements, thereby ensuring greater coordination with the FBC. A second purpose of the proposed Ordinance is to amend previously adopted local amendments to increase the minimum elevation requirement of buildings in the City's Special Flood Hazard Areas ("SFHAs") and buildings outside of SFHAs for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to Section 553.73(5), Florida Statutes, to also format that requirement to coordinate with the FBC. The proposed Ordinance will help promote the public health, safety and welfare of City residents and businesses, while minimizing public and private losses due to flood conditions.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Miramar, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur:

The proposed Ordinance does not require businesses to take on additional compliance costs.

- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible:

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. Therefore, in terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

- (c) An estimate of the City of Miramar's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The proposed Ordinance does not impose foreseeable regulatory expenses.

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

Less than 1,000 Businesses.


4. Additional information the governing body deems useful (if any):

None.



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Dr. Roy L. Virgin, City Manager 

BY: Nixon Lebrun, Director of Building, Planning and Zoning Department

DATE: June 11, 2025

RE: FIRST READING of Temp. Ord. No. 1830, repealing, reenacting, revising and reorganizing Section 816 of the City Land Development Code, updating and merging Subsection 816.9 under Section 202, and creating a new Chapter 6 to relocate therein the balance of Section 816.

RECOMMENDATION: Pursuant to Section 302 of the City's Land Development Code ("LDC"), the City Commission holds two (2) duly noticed public hearings (a first reading and a second reading) following the notification procedures of Section 166.041(3)(a), Florida Statutes ("F.S.") to consider the accompanying Ordinance to enact a proposed amendment to the text of the City's LDC to: (1) reformat previously adopted local amendments to the Florida Building Code ("FBC") to modify elevation requirements, to add limitations to enclosures below elevated buildings, and to require non-conversion agreements, thereby ensuring greater coordination with the FBC; and (2) amend previously adopted local amendments to the FBC to increase the minimum elevation requirement of buildings in the City's Special Flood Hazard Areas ("SFHAs") and buildings outside of SFHAs for the purpose of participating in the National Flood Insurance Program's ("NFIP") Community Rating System ("CRS") and, pursuant to Section 553.73(5), Florida Statutes, to also format that requirement to coordinate with the FBC (referred hereinafter as the "Flood-Related Amendment" or simply the "Amendment").

ISSUE: Section 302 of the City's LDC mandates that all amendments to the text of the LDC undergo review by the City Commission at two (2) duly noticed public hearings following the notification requirements of Section 166.041(3)(a), F.S. Section 302 further provides that, upon consideration of the recommendation by the Planning and Zoning Board ("PZB"), the Staff Report from the Building, Planning and Zoning Department (the "Department") hold, and, upon a finding of compliance with the general intent and standards of the LDC and of consistency with the City's Comprehensive Plan, the City Commission shall determine whether to adopt such amendments with or without

modification, reject them, or refer them back to City Administration for further review. The Amendment was reviewed by PZB, sitting as the Local Planning Agency, at its duly noticed public hearing on June 10, 2025, and was unanimously recommended for adoption. Furthermore, both the Amendment and the draft enacting Ordinance were vetted by Rebecca Quinn, a Certified Floodplain Manager, who works as an Ordinance Consultant for the Office of Floodplain Management ("OFM") a unit within the Bureau of Mitigation of the Florida Division of Emergency Management ("FDEM"), who ensured that draft Ordinance is consistent with the model approved by the Federal Emergency Management Agency ("FEMA"). As such and in compliance with s. 163.3184(3), F.S., and s. 303.8 of the City LDC, the Amendment is being placed on this meeting agenda so the City Commission can hold the required public hearings to adopt the Ordinance enacting same.

BACKGROUND: The NFIP was established by the Congress of the United States with the passage of the National Flood Insurance Act of 1968 to provide federally backed flood insurance and promote responsible floodplain management. The NFIP is managed by FEMA and is delivered to the public by a network of approximately 50 insurance companies and the NFIP Direct. The NFIP goes through periodic Congressional reauthorization to renew the NFIP's statutory authority to operate. Since its inception, Congress made major changes to the NFIP in 1973, 1994, 2004, 2012 and 2014, with the goals of strengthening the program, ensuring its fiscal soundness, and informing the public of its mapping and insurance rate-setting through expert consultation, reports and studies. These legislations are contained herein and summarized as follows:

- The Flood Disaster Protection Act of 1973 mandated that lenders require flood insurance on loans secured by properties located within high-risk flood areas
- The National Flood Insurance Reform Act of 1994 strengthened the NFIP with a number of reforms that included increasing the focus on lender compliance, creating mitigation insurance and developing a mitigation assistance program to further reduce the costly and devastating impacts of flood.
- The Flood Insurance Reform Act of 2004 further strengthened the NFIP with a number of reforms that included reducing losses to properties for which repetitive flood insurance claim payments have been made, creating policyholder awareness about individual flood insurance policies, increasing policyholder information on guidance about the flood insurance claims process and establishing a minimum flood insurance training and education requirement for insurance professionals.
- The Biggert-Waters Flood Insurance Reform Act of 2012 (commonly known as "Biggert Waters") authorized and funded the national mapping program and certain rate increases to ensure the fiscal soundness of the program by transitioning the program from subsidized rates, also known as artificially low rates, to offer full actuarial rates reflective of risk.

- The Consolidated Appropriations Act of 2014 prohibited the implementation of certain sections of the previous law – Biggert-Waters, effectively stopping certain rate increases while new law was being developed to address raise rate concerns.
- The Homeowner Flood Insurance Affordability Act of 2014 (“HFIAA”) repealed certain parts of previous law – Biggert-Waters, restoring grandfathering, putting limits on certain rate increases and updating the approach to ensuring the fiscal soundness of the fund by applying an annual surcharge to all policyholders.

The NFIP’s CRS was introduced in 1990, as a voluntary program to provide flood insurance premium discounts to communities that implement programs and measures that exceed the minimum floodplain management requirements of the NFIP. Communities are evaluated based on a point system, with each class improvement translating to greater savings for residents. Regular CRS audits and public hearings ensure that communities maintain compliance and continue enhancing flood mitigation strategies. There are more than 1,500 CRS communities nationwide, and flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the efforts by these communities to address the three (3) goals of the program:

- ✓ Reduce and avoid flood damage to insurable property; and
- ✓ Strengthen and support the insurance aspects of the NFIP; and
- ✓ Foster comprehensive floodplain management.

The City was first accepted for participation in the NFIP in 1977 and, in order to maintain participation in the program, adopted soon thereafter minimum floodplain regulations, as adopted and codified at 44 Code of Federal Regulations (“CFR”) Section 59, under Subsection “Flood Plain Management District” of Section 5, “Schedule of District Regulations” of the City’s 1968 Comprehensive Zoning Code, as amended. The City has been, since October 1993, a participating community in the NFIP’s CRS. The City currently holds a Class 8 rating, which means that properties located in flood zones get a 10-percent flood insurance premium reduction. To continue to meet the requirements of Title 44, CFR, Sections 59 and 60, as amended, necessary for participation in the NFIP, the previously adopted floodplain management regulations that are based on data provided by the Federal Insurance Administrator, coordinated with the Florida Building Code (“FBC”) and now codified in Section 816 of the City’s LDC.

Chapter 553, F.S., allows for local administrative and technical amendments to the FBC that provide for more stringent requirements than those specified in the FBC and allows the adoption of local administrative and local technical amendments to the FBC to implement the NFIP and incentives. In furtherance therewith and in response to changes in federal legislations, the City periodically amended its adopted floodplain regulations, also known as the City’s Floodplain Management Ordinance. The first of such amendments took place via the adoption of City Ordinance 88-29 in 1986 when FEMA substantially revised the minimum floodplain regulations and the then state floodplain coordinating agency for the NFIP, the former Florida Department of Community Affairs, provided a Model Flood Damage Prevention Ordinance that included all the revised regulations.

The second major update, a local amendment to the FBC in the City's Floodplain Management Ordinance, occurred in 2013 with the passage of Ordinance 13-15, to provide for procedure and criteria that were coordinated with the 5th edition of the FBC. Ordinance 13-15 deleted Section 802.7, "Water Management Design Standards," under which the City's Floodplain Management Ordinance had been reenacted and codified following the 1997 overhaul of the 1968 Comprehensive Zoning Code and enactment of the LDC, replacing that section with the current Section 816.

The last floodplain-related amendment to the LDC occurred in 2020 with the adoption of Ordinance 21-02, which, in response to, and in compliance with a January 2021 deadline to adopt and enforce the new CRS Class 8 Freeboard Prerequisite. That amendment extended the one-foot freeboard requirement, which until then had applied only to new and substantially improved residential buildings throughout the City's SFHAs, to manufactured homes, as well as mechanical equipment and utility items.

DISCUSSION: The City's current Floodplain Management Ordinance is located under Section 816, "Storm Drainage, Water Management Design and Floodplain Management Standards," of the City's LDC, as part of a broader regulatory chapter on general development standards, i.e., Chapter 8, "Development Standards of General Applicability." As noted above, these minimum floodplain management regulations are based on data that are provided by the Federal Insurance Administrator and coordinated with the FBC.

The proposed local technical Amendment to the FBC in the City's LDC involves various chapters and sections. First, it aims to repeal, reenact, revise, and reorganize Section 816, "Storm Drainage, Water Management Design and Floodplain Management Standards," also known as the City's Floodplain Management Ordinance, located in Chapter 8, "Development Standards of General Applicability." It will then expand and merge the glossary of terms provided in the repealed subsection 816.9, "Definitions," under Section 202, "Specific Terms" of Chapter 2, "Definitions." Lastly, the Amendment will create a new Chapter 6, with the catchline "Floodplain Management," to relocate therein the reenacted and revised content of the repealed Section 816, except Subsection 816.9.

Through this Amendment, the City is proposing to reformat certain local amendments to the FBC in the City's Floodplain Management Ordinance, which, as noted above, were previously adopted through Ordinance 21-02, to modify minimum elevation requirements for manufactured homes and mechanical equipment, to add limitations to enclosures below elevated buildings, and to require non-conversion agreements. In addition, the City is seeking to amend previously adopted local amendments to increase the minimum elevation requirement of buildings in the City's SFHAs and buildings outside of SFHAs. For instance, the proposed elevation requirement will set the minimum building elevation in SFHAs at the Base Flood Elevation ("BFE") plus two (2) feet or the Design Flood Elevation ("DFE"), whichever is higher, while new elevation requirements mandate that structures outside the SFHAs be built at least 18 inches above the crown of the road. The

BFE represents the computed elevation to which floodwater is anticipated to rise during a base flood event, typically a 1% annual chance (100-year) flood. It is determined by the FEMA based on hydrologic and hydraulic analyses. Lastly, and pursuant to Section 553.73(5), F.S., the City also intends to format that proposed requirement to coordinate with the FBC.

In addition, the Amendment updates and expands the definitions of many flood-related terms. It includes stricter floodproofing regulations for non-residential structures, prohibiting dry floodproofing below 10 feet from BFE unless explicitly certified by a licensed engineer. Enclosures below BFE are now subject to heightened non-conversion agreements that prohibit finished living spaces and limit usage to storage, parking, or entry access. The Amendment also reinforces stormwater management standards by requiring compliance with South Broward Drainage District ("SBDD") and South Florida Water Management District ("SFMD") regulations, prohibiting unauthorized water discharge onto adjacent properties, and strengthening floodway encroachment limitations.

ANALYSIS: As noted above, FDEM serves as the State Coordinating Agency of the NFIP to work with Florida's municipalities and counties to administer local flood damage reduction regulations. An important unit within FDEM's Bureau of Mitigation is the Office of Floodplain Management, which promotes and ensures sound land use development in floodplain areas to promote the public's health and safety, minimize loss of life and property, and reduce economic losses caused by flood damages. Floodplain Management Specialists from this unit or consulting firms work with Florida's communities to help them successfully manage development in flood zones. The office staff visits communities to offer technical assistance to improve the administration of local floodplain management ordinances and the flood provisions of the FBC and to monitor community performance to ensure compliance with the NFIP development regulations in SFHAs. As a result, all amendments to a local floodplain ordinance must be reviewed by that office, prior to being adopted by a local governing body to ensure consistency with the Model Floodplain Ordinance adopted by FEMA.

As mentioned above, Ordinance 21-02, which was adopted by the City Commission in November 2020, updated previously adopted local amendments to the FBC in the City's Floodplain Management Ordinance to modify elevation requirements, to add limitations to enclosures below elevated buildings, and to require non-conversion agreements. As the FDEM's consultant was reviewing the originally proposed local amendments to increase the minimum elevation requirement of buildings in the City's SFHAs and buildings outside of SFHAs, it was discovered that Ordinance 21-02 was not inadvertently sent to FDEM for review. As such, the current Amendment is seeking to reformat these previously adopted local amendments to ensure coordination with the FBC.

Flooding remains one of the most persistent and financially burdensome natural disasters in Florida and is even exacerbated by climate change and increasing urban development in vulnerable areas. As a low-lying state with an extensive coastline, Florida has fallen

prey to heightened risks from storm surge, extreme rainfall, and rising sea levels. As a matter of fact, Florida has, in the last 10 years, witnessed an increase in severe weather events, including Hurricane Irma in 2017, Hurricane Michael in 2018, Hurricane Ian in 2022, and Hurricanes Milton and Helene in 2024. The economic impact of these flood-related disasters was substantial and resulted in billions of dollars in property damage, displacement of residents, and increasing flood insurance premiums for property owners. Worse, their consequences extend beyond financial losses, disrupting the impacted communities, damaging critical infrastructure, and straining local and state resources. For instance, Hurricane Milton produced record-breaking storm surges and inland flooding across Pensacola, Fort Walton Beach, and Panama City, leaving thousands of structures uninhabitable. Similarly, Hurricane Helene overwhelmed urban drainage systems in Miami, Fort Lauderdale, and West Palm Beach, displacing residents and causing extensive structural damage.

These disasters serve as stark reminders of the need for and provide the rationale for the more stringent floodplain regulations being proposed through this Amendment to better protect properties, preserve lives, and ensure long-term community resilience in the City. The adoption of this Amendment will ensure that floodplain management regulations consider the City's increasing flood risks from the impacts of climate change, and remain robust, adaptable, and aligned with evolving best practices in flood risk mitigation. The strengthened elevation and floodproofing requirements will reduce the risk of water intrusion and structural damage for properties in the City, thereby safeguarding these structures against future flood events. They will promote sustainable drainage practices that mitigate flood risks and prevent adverse impacts on neighboring properties. By aligning stormwater management policies with regional and state regulations, the Amendment will not only enhance community resilience but will also improve the City's standing within the NFIP's CRS framework and put money back in the pocket of property owners through greater discounts on flood insurance premiums.

In summary, the proposed Amendment will reformat previously adopted local amendments to the FBC. It will provide for greater clarity, enforceability, and accessibility by relocating the City's Floodplain Ordinance under a distinct and newly created Chapter 6. It will establish a standardized and structured approach to floodplain management by tightening elevation requirements and stormwater management protocols to mitigate the risks associated with flood hazards. It will provide for greater coordination with the FBC and ensure the City's continued participation in the NFIP's CRS. The Amendment is consistent with Goal 1 of the Stormwater Management Sub-Element of the City's Comprehensive Plan, in that it will help "prevent public and private property damage due to flooding, to the maximum extent practicable." It also complies with the applicable review criteria set forth in Section 302 of the LDC relating to text amendments thereof.

While the City is near build-out, its relative attractiveness will continue to engender more growth in the form of infill and redevelopment. As such, and considering the likely impacts of climate changes, it is imperative that the City remains proactive in addressing flood risks through comprehensive regulatory frameworks. The proposed Amendment is a

critical step in the right direction and represents a commitment to long-term flood resilience, regulatory compliance, disaster preparedness, community safety, and even financial security for property owners, while ensuring that Miramar remains a leader in effective floodplain management strategies.

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 THEREOF, AND SECTIONS 166.041(3)(A) AND 553.3(5), FLORIDA STATUTES; AMENDING CHAPTER 8, "DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY," BY REPEALING, REENACTING, REVISING, AND REORGANIZING SECTION 816, "STORM DRAINAGE, WATER MANAGEMENT DESIGN AND FLOODPLAIN MANAGEMENT STANDARDS;" AMENDING CHAPTER 2, "DEFINITIONS," BY EXPANDING AND MERGING THE CONTENT OF SUBSECTION 816.9, "DEFINITIONS," UNDER SECTION 202, "SPECIFIC TERMS;" AND CREATING A NEW CHAPTER 6, "FLOODPLAIN MANAGEMENT," TO RELOCATE THEREIN ALL SUBSECTIONS OF SECTION 816, EXCEPT SUBSECTION 816.9; TO REFORMAT AND AMEND PREVIOUSLY ADOPTED LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE FOR THE PURPOSE OF PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM PROMULGATED PURSUANT TO TITLE 42 UNITED STATES CODE, SECTION 4022; PROVIDING FOR HIGHER DESIGN FLOOD ELEVATION; PROVIDING FOR CONFORMITY WITH THE FLORIDA BUILDING CODE; PROVIDING FOR AN EXPANDED AND CONSOLIDATED LIST OF DEFINITION OF TERMS; PROVIDING FOR EASE OF REFERENCE AND THE REMOVAL OF ANTIQUATED CONTENT; MAKING FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in compliance with state law, the City Commission of the City of Miramar (“City Commission”) adopted in 1989 its Comprehensive Plan, as amended, in order to guide and manage future development within the City of Miramar (“City”); and

WHEREAS, in order to implement the Comprehensive Plan and as required by state law, the City Commission adopted in 1996 a set of land development regulations, which are codified in the City’s Land Development Code (“LDC”); and

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes (“F.S.”), conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of their citizenry; and

WHEREAS, the Federal Emergency Management Agency (“FEMA”) has identified Special Flood Hazard Areas (“SFHAs” or “flood zones”) within the boundaries of the City of Miramar (the “City”) and such areas may be subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, the City has been, since October 1993, a participant in the National Flood Insurance Program’s (“NFIP”) Community Rating System (“CRS”), a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of at least Class 8, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, Chapter 553, F.S., allows for local administrative and technical amendments to the Florida Building Code ("FBC") that provide for more stringent requirements than those specified in the FBC and allows adoption of local administrative and local technical amendments to the FBC to implement the NFIP and incentives; and

WHEREAS, the City Commission previously adopted local amendments to the FBC to modify elevation requirements, to add limitations to enclosures below elevated buildings, and to require non-conversion agreements, and is reformatting those amendments to coordinate with the FBC; and

WHEREAS, the City Commission is amending previously adopted local amendments to increase the minimum elevation requirement of buildings in SFHAs and buildings outside of SFHAs for the purpose of participating in the NFIP's CRS and, pursuant to Section 553.73(5), F.S., is formatting that requirement to coordinate with the FBC; and

WHEREAS, the City Commission has determined that it is in the public interest to adopt the proposed local technical amendments to the FBC, and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with Section 553.73(4), F.S.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF
MIRAMAR, FLORIDA AS FOLLOWS:**

Section 1: Recitals. That the foregoing “**WHEREAS**” clauses are hereby adopted as legislative findings of the City of Miramar Commission and are hereby ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: Findings: That the City Commission of the City of Miramar, Florida, hereby finds the proposed local technical Amendment to the Florida building Code in the Land Development Code of the City of Miramar, pursuant to Section 302 thereof, and Sections 166.041(3)(A) and 553.3(5), Florida Statutes: (1) amending Chapter 8, “Development Standards of General Applicability,” by repealing, reenacting, revising, and reorganizing Section 816, “Storm Drainage, Water Management Design and Floodplain Management Standards;” (2) amending Chapter 2, “Definitions,” by expanding and merging the content of Subsection 816.9, “Definitions,” under Section 202, “Specific Terms;” and (3) creating a new Chapter 6, “Floodplain Management,” to relocate therein all subsections of Section 816, except Subsection 816.9; to reformat and amend previously adopted local technical amendments to the Florida Building Code for the purpose of participating in the National Flood Insurance Program’s Community Rating System promulgated pursuant to Title 42 United States Code, Section 4022, to provide for higher design flood elevation for buildings inside and outside the City’s Special Flood Hazard Areas, to coordinate with the Florida Building Code, pursuant to Section 553.73(5), Florida Statutes: (1) to be consistent with the goals, objectives and policies of the Comprehensive Plan of the City of Miramar, Florida; (2) to satisfy the applicable

review criteria set forth in Section 302 of the Land Development Code of the City of Miramar, Florida's; and to comply with the requirements of Section 553.3(5), Florida Statutes, for the adoption of technical amendment to the Florida Building Code relating to flood resistance in order to implement the National Flood Insurance Program or incentives.

Section 3: Repeal of Section 816: That the City Commission of the City of Miramar, Florida, hereby repeals Section 816, "Storm Drainage, Water Management Design and Floodplain Management Standards," of Chapter 8, "Development Standards of General Applicability," of the Land Development Code of the City of Miramar, Florida, in its entirety.

Section 3: Adoption: That the City Commission of the City of Miramar, Florida, hereby passes and adopts the Ordinance enacting the proposed technical Amendment to the Florida Building Code in the Land Development Code of the City of Miramar, Florida, as incorporated herein.

Section 4: That Section 201, "General Terms," of Chapter 2, "Definitions," of the Land Development Code of the City of Miramar, Florida, is hereby amended to incorporate the revised definition of terms under Subsection 816.9, "Definitions," of the repealed Section 816, "Storm Drainage, Water Management Design and Floodplain Management Standards," of Chapter 8, "Development Standards of General Applicability" of the Land Development Code of the City of Miramar, Florida, and to read as follows:

Chapter 2- DEFINITIONS

Sec. 201. General terms.

* * *

Alteration of a watercourse means 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.

* * *

Applicant means a property owner or owner's authorized agent.

* * *

ASCE 24 means 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 means 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 means 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 means the portion of a building having its floor subgrade (below ground level) on all sides.

* * *

Critical facility, for the purpose of Chapter 6, means a structure and other improvement that, because of its function, size, service area, or uniqueness, has the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities, if it is destroyed or damaged or if its functionality is impaired. Critical facilities include:

1. Health and safety facilities, including hospitals nursing homes, blood banks, and health care facilities (including those storing vital medical records) likely to have occupants who may not be sufficiently mobile to avoid injury or death during a flood;
2. Government facilities, including police stations, fire stations, critical vehicle and equipment storage facilities, and emergency operation centers needed for flood response activities, before, during, and after a flood;
3. Schools and day care centers, if designated as shelters or evacuation centers;

4. Power generating stations and other public and private utilities vital to maintaining or restoring normal services to flooded areas before, during, and after a flood;
5. Drinking water and wastewater treatment plants;
6. Structures or facilities that produce, use or store hazardous, highly volatile, flammable, explosive toxic, and/or water-reactive materials; and
7. Facilities that are assigned Flood Design Class 3 and Flood Design Class 4 pursuant to the FBC.

Crown of road (center line) means a line running parallel with the highway right-of-way which is half the distance between the extreme edges of the official right-of-way width as shown on a map approved by the department of public works.

* * *

Declaration of Land Restriction (Non-Conversion Agreement), for the purposes of Chapter 6, means a form provided by the Floodplain Administrator to be signed by the property owner and recorded on the property deed in the Official Records of the Clerk of Courts. By signing, the owner agrees not to convert or modify enclosures below elevated buildings in any manner inconsistent with the terms of the building permit and these regulations.

* * *

Design flood means the flood associated with the greater of the following two areas:

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 means 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 feet.

* * *

Development, for the purpose of Chapter 6, means 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.

Development, for purposes other than Chapter 6, means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

The following activities or uses shall be taken for the purposes of this Code to involve development:

- a. A reconstruction, alteration of or material change in the extent or appearance of a structure on land.
- b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land, or a material increase in the number of businesses, manufacturing establishments, or offices or dwelling units in a structure or on land.
- c. Alteration of a shore or bank of a lake, pond, or canal, including any "coastal construction" as defined in § 161.021, Fla. Stat.
- d. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
- e. Demolition of a structure.
- f. Clearing of land as an adjunct of construction.
- g. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be construed for the purpose of this Code to involve "development":

- a. Work by a highway or road agency or railroad company for the maintenance of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
- b. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracks, or the like. This provision conveys no interest and does not eliminate any applicable notice requirements to affected landowners.
- c. Work for the maintenance, renewal, or alteration of any structure, if the work affects only the interior of the structure.
- d. The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling.
- e. A change in the ownership or form of ownership of any parcel or structure.
- f. The creation or termination of rights of access, riparian rights, easements, distribution and transmission corridors, covenants concerning development of land, or other rights in land.
- g. The use of any land for the purpose of growing plants, crops, trees, and other agriculture or forestry products; raising livestock; or for other agricultural purposes.
- h. A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

* * *

Encroachment, for the purpose of Chapter 6, means 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 for the purpose of Chapter 6, means any buildings and structures for which the “start of construction” commenced before December 1, 1977.

* * *

FEMA means the Federal Emergency Management Agency.

* * *

Flood or flooding means 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 means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area means the greater of the following two areas:

1. The area within a floodplain subject to a one 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.

Flood Insurance Rate Map (FIRM) means the official map of the community on which FEMA has delineated both special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) means the official report provided by FEMA that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

Floodplain administrator means the office or position designated and charged with the administration and enforcement of this section.

Floodplain development permit or approval means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

Floodway means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

* * *

Freeboard means additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings and hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected frequency flood. In the City, the FBC is amended such that the freeboard is two (2) feet above the base flood elevation.

* * *

Functionally dependent use for Chapter 6, means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long term storage or related manufacturing facilities.

* * *

Hardship as related to consideration of requests for variances as provided in Chapter 6, means the exceptional hardship associated with the land that would result from a failure to grant the requested variance. The city requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

* * *

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure for purposes of Chapter 6, means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

* * *

Letter of Map Change (LOMC) means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and

establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck, as defined in 40 C.F.R. 86.082-2, means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

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

LDC means the city's adopted land development code.

* * *

Lowest floor, for the purpose of Chapter 6, means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24.

* * *

Manufactured home means a structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and designed to be used with or without a permanent

foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle” or “park trailer.”

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

* * *

Market value, for the purpose of Chapter 6, means the value of buildings and structures, excluding the land and other improvements on the parcel. Market value 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 county property appraiser.

* * *

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. The purposes of this Land Development Code, the term is synonymous with National Geodetic Vertical Datum (NGVD).

* * *

New construction, for purpose other than Chapter 6, means the commencement of construction on or after the effective date of this LDC.

New construction, for the purposes of Chapter 6, means structures for which the "start of construction" commenced on or after December 1, 1977 and includes any subsequent improvements to such structures.

* * *

Park trailer means a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

* * *

Recreational vehicle means a vehicle, including a park trailer, which is: or portable structure built on a chassis, without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for travel, recreation, or vacation use, including, but not limited to, travel trailers, truck campers, camping trailers, and motor homes.

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

* * *

Special flood hazard area means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE or V.

* * *

Start of construction, for the purpose of Chapter 5, means the date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of 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.

* * *

Substantial damage means 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 percent of the market value of the building or structure before the damage occurred.

Substantial improvement means any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 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:

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.

~~Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the predestruction market value of the structure, as determined by the of Broward County property appraiser, either (1) before the improvement or repair is started, or (2), if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that~~

~~alteration affects the external dimension of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are necessary solely to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or any inventory of local historic places.~~

* * *

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

Section 5: That the Land Development Code of the City of Miramar, Florida, is hereby amended to include a new chapter, to be numbered 6, which said chapter shall replace the repealed, reenacted, revised and reorganized Section 816, "Storm Drainage, Water Management Design and Floodplain Management Standards," of Chapter 8, "Development Standards of General Applicability," and shall hereby be read as follows:

Chapter 6. Flood Damage Protection. ~~Sec. 816. Storm Drainage, Water Management Design and Floodplain Management Standards.~~

601. ~~816.1. General administration.~~

601.1. ~~816.1.1. Title.~~ These regulations shall be known as the Floodplain Management Ordinance of the City of Miramar, hereinafter referred to as "this chapter section."

601.2. ~~816.1.2. Scope.~~ ~~The~~ Unless otherwise specified, the provisions of this chapter section shall apply to all development that is wholly within or partially within any flood hazard area, as defined in Chapter 2 subsection 816.9.2, and as specifically provided in section 610.2 ~~816.10.1.2,~~ 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 ("FBC"); 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.

601.3. ~~816.1.3. Intent.~~ The purposes of this chapter section and the flood load and flood resistant construction requirements of the ~~Florida Building Code~~ FBC are to establish minimum requirements to safeguard the public health, safety, and general

welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22;
9. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights and velocities; and
10. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands.

601.4. 816.1.4. Coordination with the Florida Building Code FBC. This chapter section is intended to be administered and enforced in conjunction with the Florida Building Code FBC. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code FBC.

601.5. 816.1.5. Warning. The degree of flood protection required by this chapter section and the Florida Building Code FBC, as amended by the city, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This chapter section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study ("FIS") and shown on Flood Insurance Rate Maps ("FIRM") and the requirements of Title 44, Code of Federal Regulations, Sections Parts 59 and 60 may be revised by the Federal Emergency Management Agency, requiring the city to revise these

regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this chapter section.

601.6. 816.1.6. Disclaimer of liability. This chapter section shall not create liability on the part of the City Commission of the City of Miramar or by any officer or employee thereof for any flood damage that results from reliance on this chapter section or any decision lawfully made thereunder.

602. 816.2. Applicability.

602.1. 816.2.1. General Conflict. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

602.2. 816.2.2. Areas to which this chapter section applies. This chapter section shall apply to all flood hazard areas within the City of Miramar, as established in section 602.3 816.2.3, and to all other areas as specifically provided in section 816.10.1.2 of the City.

602.3. 816.2.3. Basis for establishing flood hazard areas. The Flood Insurance Study for Broward County, Florida and Incorporated Areas dated ~~October 2, 1997~~ July 31, 2024, and all subsequent amendments and revisions, and the accompanying ~~Flood Insurance Rate Maps (FIRMs)~~, and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter section 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 community development department.

602.4. 816.2.3.1. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to section 605 816.3, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the city indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this chapter section and, as applicable, the requirements of the ~~Florida Building Code FBC~~.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

602.5. 816.2.4. Other laws. The provisions of this chapter section shall not be deemed to nullify any provisions of local, state or federal law.

602.6. 816.2.5. Abrogation and greater restrictions. This chapter section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances, including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the ~~Florida Building Code FBC~~. In the event of a conflict

between this chapter section and any other ordinance, the more restrictive shall govern. This chapter section shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this chapter section.

602.7. 816.2-6. Interpretation. In the interpretation and application of this chapter section, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

603. 816.3. Duties and powers of the floodplain administrator.

603.1. 816.3-1. Designation. The ~~engineering services building, planning, and zoning~~ director is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

603.2. 816.3-2. General. The floodplain administrator is authorized and directed to administer and enforce the provisions of this chapter section. The floodplain administrator shall have the authority to render interpretations of this chapter section consistent with the intent and purpose of this chapter section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this chapter section without the granting of a variance pursuant to section 607 816.7.

603.3. 816.3-3. Applications and permits. The floodplain administrator, in coordination with other pertinent offices of the city, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this chapter section;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the ~~Florida Building Code FBC~~, including buildings, structures and facilities exempt from the ~~Florida Building~~

~~Code FBC~~, when compliance with this ~~chapter section~~ is demonstrated, or disapprove the same in the event of noncompliance; and

8. Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ~~chapter section~~.

~~603.4. 816.3.4. Substantial improvement and substantial damage determinations.~~ For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure; if the results of the comparison is greater than or equal to 30 percent, a more precise market value may be required;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the ~~Florida Building Code FBC~~ and this ~~chapter section~~ is required.

~~603.5. 816.3.5. Modifications of the strict application of the requirements of the Florida Building Code FBC.~~ The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the ~~Florida Building Code FBC~~ to determine whether such requests require the granting of a variance pursuant to section ~~607 816.7~~.

~~603.6. 816.3.6. Notices and orders.~~ The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ~~chapter section~~.

~~603.7. 816.3.7. Inspections.~~ The floodplain administrator shall make the required inspections as specified in section ~~606 816.6~~ for development that is not subject to the ~~Florida Building Code FBC~~, including buildings, structures and facilities exempt from the ~~Florida Building Code FBC~~. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

603.8. ~~816.3.8.~~ *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 603.4 ~~816.3.4~~;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the State of Florida Division of Emergency Management; notify the Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by this chapter section and the ~~Florida Building Code~~ FBC and this chapter section to determine that such certifications and documentations are complete; and
5. Notify FEMA when the corporate boundaries of the City of Miramar are modified.

603.9. ~~816.3.9.~~ *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter section and the flood resistant construction requirements of the ~~Florida Building Code~~ FBC, including ~~Flood Insurance Rate Maps~~ FIRMs; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the ~~Florida Building Code~~ FBC and this chapter section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this chapter section and the flood resistant construction requirements of the ~~Florida Building Code~~ FBC. These records shall be available for public inspection at in the Building Division building, planning and zoning department.

604. ~~816.4.~~ Permits.

604.1. ~~816.4.1.~~ *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this chapter section, including buildings, structures and facilities exempt from the

~~Florida Building Code FBC~~, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and/or approval(s). No such permit or approval shall be issued until compliance with the requirements of this chapter section and all other applicable codes and regulations has been satisfied.

604.2. ~~816.4.2.~~ *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this chapter section for any development activities not subject to the requirements of the ~~Florida Building Code FBC~~, including buildings, structures and facilities exempt from the ~~Florida Building Code FBC~~. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

604.3. ~~816.4.2.1.~~ *Buildings, structures and facilities exempt from the Florida Building Code FBC.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. ~~Sections~~ Parts 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the ~~Florida Building Code FBC~~ and any further exemptions provided by law, which are subject to the requirements of this chapter section:

1. Railroads and ancillary facilities associated with the railroad;
2. Nonresidential farm buildings on farms, as provided in F.S. § 604.50;
3. Temporary buildings or sheds used exclusively for construction purposes;
4. Mobile or modular structures used as temporary offices;
5. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity;
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features;
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete;
8. Temporary housing provided by the department of corrections to any prisoner in the state correctional system; and

9. Structures identified in F.S. § 553.73(10)(k), are not exempt from the ~~Florida Building Code~~ FBC if such structures are located in flood hazard areas established on the ~~Flood Insurance Rate Maps~~ FIRMs.

~~604.4.~~ ~~816.4.3.~~ *Application for a permit or approval.* To obtain a floodplain development permit or approval, the applicant shall first file an application in writing on a form furnished by the city. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval;
2. State the elevation in relation to the datum on the FIRM of the proposed lowest floor (including basement) of all structures;
3. State the elevation in relation to the datum on the FIRM to which any nonresidential structure will be dry floodproofed;
4. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site;
5. Indicate the use and occupancy for which the proposed development is intended;
6. Be accompanied by a site plan or construction documents as specified ~~below~~ in Section 605 816.5;
7. State the valuation of the proposed work;
8. Be signed by the applicant or the applicant's authorized agent;
9. Provide a certificate from a registered professional engineer or architect that the nonresidential dry floodproofed structure will meet the dry floodproofing criteria of the FBC.
10. Give such other data and information as required by the floodplain administrator.
11. For projects proposing to enclose areas under elevated buildings, include a signed Declaration of Land Restriction (Non-Conversion Agreement). The agreement shall be recorded on the property deed prior to issuance of the certificate of occupancy.

~~604.5.~~ ~~816.4.4.~~ *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ~~chapter section~~ shall not be construed to be a permit for, or approval of, any violation of this ~~chapter section~~, the ~~Florida Building Code~~ FBC, or any other ordinance of this city. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

~~604.6.~~ ~~816.4.5.~~ *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period

of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

~~604.7. 816.4.6.~~ *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this chapter section or any other ordinance, regulation or requirement of this city.

~~604.8. 816.4.7.~~ *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The South Florida Water Management District (SDWMD); F.S. § 373.036;
2. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and Chapter 64E-6, F.A.C.;
3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055;
4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers, section 404 of the Clean Water Act;
5. South Broward Drainage District (SBDD) for activities that affect floodways; and
6. Federal permits and approvals.

605. 816.5. Site plans and construction documents.

~~605.1. 816.5.1.~~ *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this chapter section shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development;
2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study FIS, they shall be established in accordance with section 605.2(2) or (3) ~~816.5.2(2) or (3)~~;
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study FIS, such elevations shall be established in accordance with section 605.2 816.5.2(1);

4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures;
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation;
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose; ~~and~~
7. Acceptable drainage provisions; and
8. ~~7.~~ Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this chapter section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this chapter section.

605.2. 816.5.2. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

1. Require the applicant to develop base flood elevation data prepared in accordance with currently accepted engineering practices;
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source;
3. Where base flood elevation and floodway data are not available from another source, where the available the data is deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data is known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is ~~at least 18 inches~~ two (2) feet above the highest ~~point of the adjacent crown of road.~~ grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
4. Where the base flood elevation data is to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and

that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

605.3. 816.5.3. *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this chapter section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 605.4 816.5.4 and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study FIS or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse
4. Will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity, the applicant shall submit the analysis to FEMA as specified in section 605.4 816.5.4.

605.4. 816.5.4. *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

606. 816.6. Inspections.

606.1. 816.6.1. *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.

606.2. 816.6.1.1. Development other than buildings and structures. The floodplain administrator shall inspect all development to determine compliance with the requirements of this chapter section and the conditions of issued floodplain development permits or approvals.

606.3. 816.6.1.2. Buildings, structures and facilities exempt from the Florida Building Code FBC. The floodplain administrator shall inspect buildings, structures and facilities exempt from the ~~Florida Building Code FBC~~ to determine compliance with the requirements of this chapter section and the conditions of issued floodplain development permits or approvals.

606.4. 816.6.1.2.1. Buildings, structures and facilities exempt from the Florida Building Code FBC, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the ~~Florida Building Code FBC~~, or the owner's authorized agent, shall submit to the floodplain administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 605.2(3)(b) ~~816.5.3(3)(b)~~, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

606.5. 816.6.1.2.2. Buildings, structures and facilities exempt from the Florida Building Code FBC, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 606.4 816.6.1.2.1.

606.7. 816.6.1.3. Manufactured homes. The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this chapter section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator.

607. 816.7. Variances and appeals.

607.1. 816.7.1. General. The city commission shall hear and decide on requests for appeals and requests for variances from the strict application of this chapter section. Pursuant to F.S. § 553.73(5), the city commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the ~~Florida Building Code FBC~~.

607.2. 816.7.2. Appeals. The city commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this chapter

~~section~~. Any person aggrieved by the decision of city commission may appeal such decision to the Circuit Court, as provided by Florida Statutes.

607.3 ~~816.7.3~~. *Limitations on authority to grant variances*. The city commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 607.7 ~~816.7.6~~, the conditions of issuance set forth in section 607.8 ~~816.7.7~~, and the comments and recommendations of the floodplain administrator and the building official. The city commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this this chapter section.

607.4 ~~816.7.3.1~~. *Restrictions in floodways*. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 605.3 ~~816.5.3~~.

607.5 ~~816.7.4~~. *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 FBC~~, 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 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 FBC~~.

607.6 ~~816.7.5~~. *Functionally dependent uses*. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this chapter 2 section, provided the variance meets the requirements of section 607.4 ~~816.7.3.1~~, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

607.7 ~~816.7.6~~. *Considerations for issuance of variances*. In reviewing requests for variances from this chapter section, the city commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the ~~Florida Building Code FBC~~, this chapter section, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; ~~and~~
10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges; and
11. The necessity of the facility of a waterfront location, in the case of a functionally-dependent facility.

607.8. 816.7.7. *Conditions for issuance of variances.* Variances shall be issued only upon:

1. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter section or the required elevation standards;
2. Determination by the city commission that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.
5. The city shall maintain the records of all appeal actions and decisions on variances and shall report variances to FEMA upon request.

608. ~~816.8.~~ Violations.

~~608.1. 816.8.1.~~ Violations. Any development that is not within the scope of the Florida Building Code FBC but that is regulated by this chapter section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this chapter section, shall be deemed a violation of this chapter section. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this chapter section or the Florida Building Code FBC is presumed to be a violation until such time as that documentation is provided.

~~608.2. 816.8.2.~~ Authority. For development that is not within the scope of the Florida Building Code FBC but that is regulated by this chapter section and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

~~608.3. 816.8.3.~~ Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the floodplain administrator from taking such other lawful actions as are necessary to prevent or remedy any violation.

~~608.4. Penalty.~~ Violations of this chapter shall be subject to prosecution and enforcement pursuant to section 2-330 et seq. of the City Code of Ordinances.

609. – Reserved.

~~816.9. Definitions.~~

~~816.9.1. General.~~

~~816.9.1.1. Scope.~~ Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, have the meanings shown in this section.

~~816.9.1.2. Terms defined in the Florida Building Code.~~ Where terms are not defined in this section and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

~~816.9.1.3. Terms not defined.~~ Where terms are not defined in this section or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

~~816.9.2. Definitions.~~ The following definitions shall apply within this section:

~~Alteration of a watercourse.~~ 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.~~ A request for a review of the floodplain administrator's interpretation of any provision of this section or a request for a variance.

~~ASCE 24.~~ 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.~~ A flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2] The base flood is commonly referred to as the "100-year flood" or the "one percent annual chance flood."

~~Base flood elevation.~~ 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). [Also defined in FBC, B, Section 1612.2.]

~~Basement.~~ The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

~~Critical facility.~~ A structure and other improvement that, because of its function, size, service area, or uniqueness, has the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities, if it is destroyed or damaged or if its functionality is impaired. Critical facilities include:

- ~~8. Health and safety facilities, including hospitals nursing homes, blood banks, and health care facilities (including those storing vital medical records) likely to have occupants who may not be sufficiently mobile to avoid injury or death during a flood;~~
- ~~9. Government facilities, including police stations, fire stations, critical vehicle and equipment storage facilities, and emergency operation centers needed for flood response activities, before, during, and after a flood;~~

- ~~10. Schools and day care centers, if designated as shelters or evacuation centers;~~
- ~~11. Power generating stations and other public and private utilities vital to maintaining or restoring normal services to flooded areas before, during, and after a flood;~~
- ~~12. Drinking water and wastewater treatment plants;~~
- ~~13. Structures or facilities that produce, use or store hazardous, highly volatile, flammable, explosive toxic, and/or water-reactive materials; and~~
- ~~14. Facilities that are assigned Risk Category III and Risk Category IV pursuant to the Florida Building Code.~~

~~*Design flood.* The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]~~

- ~~3. Area with a floodplain subject to a one percent or greater chance of flooding in any year; or~~
- ~~4. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.~~

~~*Design flood elevation.* 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 feet. [Also defined in FBC, B, Section 1612.2.]~~

~~*Development.* 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.* 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.* Any buildings and structures for which the "start of construction" commenced before December 1, 1977 [Also defined in FBC, B, Section 1612.2.]~~

~~*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 December 1, 1977.~~

~~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).

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

~~Flood or flooding.~~ A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

~~3. The overflow of inland or tidal waters.~~

~~4. The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~Flood damage resistant materials.~~ Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

~~Flood hazard area.~~ The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

~~3. The area within a floodplain subject to a one percent or greater chance of flooding in any year.~~

~~4. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.~~

~~Flood Insurance Rate Map (FIRM).~~ The official map of the community on which FEMA has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

~~Flood Insurance Study (FIS).~~ The official report provided by FEMA that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

~~Floodplain administrator.~~ The office or position designated and charged with the administration and enforcement of this section (may be referred to as the floodplain manager).

~~Floodplain development permit or approval.~~ An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

~~Floodway.~~ The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without

~~cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 1612.2.]~~

~~*Floodway encroachment analysis.* An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.~~

~~*Florida Building Code.* The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.~~

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

~~*Highest adjacent grade.* The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.~~

~~*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 Historic Buildings.~~

~~*Letter of Map Change (LOMC).* An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:~~

- ~~5. *Letter of Map Amendment (LOMA):* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.~~
- ~~6. *Letter of Map Revision (LOMR):* A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.~~
- ~~7. *Letter of Map Revision Based on Fill (LOMR-F):* A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.~~
- ~~8. *Conditional Letter of Map Revision (CLOMR):* A formal review and comment as to whether a proposed flood protection project or other~~

~~project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.~~

~~*Light-duty truck.* As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:~~

- ~~4. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or~~
- ~~5. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or~~
- ~~6. Available with special features enabling off-street or off-highway operation and use.~~

~~*Lowest floor.* The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]~~

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

~~*Manufactured home park or subdivision.* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.~~

~~*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 section, the term refers to 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, Actual Cash Value (replacement cost depreciated for age and quality of construction), 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 section and the flood resistant construction requirements of the Florida Building Code, structures for~~

~~which the "start of construction" commenced on or after December 1, 1977 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 December 1, 1977.~~

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

~~*Recreational vehicle.* A vehicle, including a park trailer, which is: [Defined in F.S. § 320.01(b)]~~

- ~~5. Built on a single chassis;~~
- ~~6. 400 square feet or less when measured at the largest horizontal projection;~~
- ~~7. Designed to be self-propelled or permanently towable by a light-duty truck; and~~
- ~~8. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

~~*Special flood hazard area.* An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE or V. [Also defined in FBC, B Section 1612.2.]~~

~~*Start of construction.* The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of 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 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 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.]~~

~~3. 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.~~

~~4. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.~~

~~*Variance.* A grant of relief from the requirements of this section, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this section or the Florida Building Code.~~

~~*Watercourse.* A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.~~

816.10. Flood resistant development.

610. 816.10.1. Buildings and structures.

~~610.1. 816.10.1.1. Design and construction of buildings, structures and facilities exempt from the Florida Building Code FBC. Pursuant to section 604.3 816.4.2.1, buildings, structures, and facilities that are exempt from the Florida Building Code FBC, 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 FBC that are not walled and roofed buildings shall comply with the requirements of section 616 816.10.7.~~

~~610.2. 816.10.1.2. Specific methods of construction and requirements. Pursuant to Broward County Administrative Provisions for the FBC, the following specific methods of construction and requirements apply:~~

~~816.10.1.2.1. Elevation requirements in all areas of special flood hazard.~~

~~1. *Residential construction.* New residential buildings and substantial improvements of any residential buildings (including manufactured homes) shall have the lowest floor, including basement, elevated to or above the elevation required in the Florida Building Code, the base flood elevation plus one foot, or 18 inches above the highest point of the road crown elevation of the centerline of the adjacent street as established in section 816.10.1.2.3, whichever is higher.~~

~~Should solid foundation perimeter walls be used to elevate a structure, for those enclosed areas below the base flood elevation there must be a minimum of two openings on different sides of each enclosed area sufficient to facilitate automatic equalization of flood hydrostatic forces in accordance with standards of section 816.10.1.2.3. Mechanical equipment and utilities shall be waterproofed or elevated to or above the elevation required in the Florida Building Code, the base flood elevation plus one foot, or 18 inches above the highest point of the road crown elevation of the centerline of the adjacent street as established in section 816.10.1.2.3, whichever is higher.~~

- ~~2. *Nonresidential construction.* New nonresidential buildings and substantial improvement of nonresidential buildings (including manufactured homes) proposed to be dry floodproofed shall be designed to be protected to or above the elevation required in the Florida Building Code, the base flood elevation, or six inches above the highest road crown elevation of the centerline of the adjacent street, as established in section 816.10.1.2.3, whichever is higher. Mechanical equipment and utilities shall be waterproofed or elevated to or above the elevation required in the Florida Building Code, the base flood elevation, or six inches above the highest point of the road crown elevation of the centerline of the adjacent street as established in section 816.10.1.2.3, whichever is higher.~~

~~816.10.1.2.2. *Elevation requirements outside of flood hazard areas.* The minimum elevation of the lowest habitable floor outside the flood hazard areas identified by FEMA in its flood insurance study and flood insurance rate maps shall be elevated as follows:~~

- ~~1. *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated 18 inches above the highest point of the road crown elevation of the centerline of the adjacent street, as established in section 816.10.1.2.3. *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or nonresidential structure shall have the lowest floor, including basement, elevated six inches above the highest point of the road crown elevation of the centerline of the adjacent street, as established in section 816.10.1.2.3.~~

~~816.10.1.2.3. *Establishment of minimum elevation (centerline of adjacent street).* In those areas west of University Drive and in the boundaries of the South Broward Drainage District, the minimum elevation (centerline of street) shall be as established by the design of the major drainage facilities for the particular area by the engineer for the developer, as required by South Broward Drainage District standards, and subject to approval of the Engineering Services Director. In areas east of University Drive, the minimum elevation (centerline of street) shall be as established in compliance with the city's floodplain management criteria. In no case shall the minimum elevation be lower than the elevation required by this section.~~

~~816.10.1.2.4. *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other~~

~~exterior walls below the lowest floor elevation shall be designed to preclude finished living space for the enclosed areas, and shall be designed to allow for the entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls.~~

- ~~1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed the following minimum criteria:~~
 - ~~a. Provide a minimum of two openings on different sides of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area;~~
 - ~~1. The bottom of all openings shall be no higher than one foot above adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade);~~
 - ~~2. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions;~~
 - ~~3. Electrical, plumbing and other utility connections are prohibited below the base flood elevation; and~~
 - ~~4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.~~
 - ~~b. Fully enclosed areas below the base flood elevation shall be used solely for parking of vehicles, storage, and building access. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway, foyer or elevator);~~
 - ~~c. A non-conversion agreement will be required to be signed by the property owner for all new construction that includes enclosed areas below the base flood elevation. This agreement shall include but not be limited to the following: "I hereby understand and agree as the owner of this property that enclosed areas that are below the base flood elevation are to be used only for parking, access and storage. I agree not to improve, finish or otherwise convert any enclosed areas below the required elevation to habitable or living space. I understand and agree that the City of Miramar reserves the right to inspect such enclosures for compliance with this provision. I understand that this Agreement will be recorded with the Broward County Clerk of Courts."~~

610.3. Florida Building Code, Local Administrative Amendment: Non-conversion agreements. Applications for buildings with enclosures below the required elevation shall include signed declarations of land restrictions (non-conversion agreements),

as defined in Chapter 2. The agreements shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

610.4. Florida Building Code, Local Technical Amendment.

1. Minimum building elevations in flood hazard areas.
 - a. The minimum elevation for buildings in flood hazard areas that are within the scope of the Florida Building Code, Building, shall be, as specified in ASCE 24, the base flood elevation plus 2 feet, or the design flood elevation, whichever is higher.
 - b. The minimum elevation for one- and two-family dwellings and townhouses in flood hazard areas that are within the scope of the Florida Building Code, Residential, shall be the base flood elevation plus 2 feet or the design flood elevation, whichever is higher.
2. Minimum building elevations outside of flood hazard areas.
 - a. The minimum elevation for floors (including basements) of buildings outside of flood hazard areas that are within the scope of the Florida Building Code, Building, shall be at or above the base flood elevation plus 2 feet, the 500-year flood elevation, or 18 inches above the crown of road (center line), whichever is higher.
 - b. The minimum elevation for dry floodproofing of nonresidential buildings outside of flood hazard areas that are within the scope of the Florida Building Code, Building, shall be at or above the base flood elevation plus 2 feet, the 500-year flood elevation, or 18 inches above the crown of road (center line), whichever is higher.
 - c. The minimum elevation for floors (including basements) of dwellings outside of flood hazard areas that are within the scope of the Florida Building Code, Residential, shall be at or above the base flood elevation plus 2 feet, the 500-year flood elevation, or 6 inches above the crown of road (center line), whichever is higher.
3. Enclosures below required elevations for building in flood hazard areas. Enclosed areas below the required elevation for buildings in flood hazard areas shall be limited as follows:
 - a. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators unless a partition is required by the fire code.
 - b. Where perimeter walls are permitted, the limitation on partitions does not apply to load-bearing walls interior to perimeter wall (crawl space) foundations.
 - c. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of

maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway, foyer, or elevator).

4. Limitation on dry floodproofing. The lowest level of a dry floodproofed nonresidential building shall be not more than ten feet below the base flood elevation.
5. Electrical, mechanical, plumbing, and other attendant utilities. Except when located in dry floodproofed areas of dry floodproofed nonresidential buildings:
 - a. Electrical, mechanical, plumbing, and other attendant utilities are not permitted below the lowest floor elevation required by the Florida Building Code.
 - b. Connections for electrical, mechanical, plumbing, and other attendant utilities are not permitted below the lowest floor elevation required by the FBC.

610.5. Non-elevated accessory structures. Accessory structures are permitted below elevations required by the FBC provided the accessory structures are used only for parking or storage and:

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

610.6. ~~816.10.1.2.5.~~ Stormwater management. All stormwater drainage systems shall be designed in accordance with the requirements of the ~~South Broward Drainage District's~~ SBDD's publication entitled "Stormwater Management Regulations, Standards, Procedures," latest edition, the ~~South Florida Water Management District's~~ SFWMD's Permit Manual "Management and Storage of Surface Waters," latest edition, and the city's floodplain management criteria.

611. ~~816.10.2.~~ Subdivisions.

611.1. ~~816.10.2.1.~~ 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; and
4. All new developments in the city shall conform to the regulations developed by the SFWMD entitled "District Water Management Plan" and by the SBDD entitled "Storm Water Management." Copies of both documents shall be available at the office of the City Engineer.

611.2. ~~816.10.2.2.~~ *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 plats ~~and final plats~~;
2. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 605.2(1) ~~816.5.2(1) or (2)~~; and
3. Compliance with the site improvement and utilities requirements of section 612 ~~816.10.3.~~

612. ~~816.10.3.~~ Site improvements, utilities and limitations.

612.1. ~~816.10.3.1.~~ *Minimum requirements.* All proposed new development 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.

612.2. ~~816.10.3.2.~~ *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in

Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

612.3. 816.10.3.3. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

612.4. 816.10.3.4. 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 this section 605.3 demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

612.5. 816.10.3.5. Limitations on placement of fill. Subject to the limitations of this chapter section, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code and:-

1. Fill shall extend beyond the building walls before dropping below the base flood elevation;
2. Fill shall be designed and compacted in accordance with ASTM D-698 or equivalent; and
3. Designs for fill or use of an equivalent standard shall be approved by a registered professional engineer or the City Engineer.

613. 816.10.4. Manufactured homes.

613.1. 816.10.4.1. General. 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 chapter section. Manufactured homes and replacement manufactured homes shall be placed only in an existing manufactured (mobile home) park or subdivision.

613.2. 816.10.4.2. 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 FBC Residential Section R322.2 and this chapter section.

613.3. 816.10.4.3. 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.

613.4. ~~816.10.4.4.~~ *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall be elevated such that the bottom of the frame is at or above the base flood elevation plus two feet elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

613.5. ~~816.10.4.5.~~ *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the ~~Florida Building Code~~ FBC, Residential Section R322 for such enclosed areas.

613.6. ~~816.10.4.6.~~ *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall be elevated to or above the base flood elevation plus two feet ~~comply with the requirements of the Florida Building Code, Residential Section R322.~~

614. ~~816.10.5.~~ Recreational vehicles and park trailers.

614.1. ~~816.10.5.1.~~ *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 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.

614.2. ~~816.10.5.2.~~ *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in section 614.1 ~~816.10.5.1~~ for temporary placement shall meet the requirements of section 613 ~~816.10.4~~ for manufactured homes.

615. ~~816.10.6.~~ Tanks.

615.1. ~~816.10.6.1.~~ *Underground tanks.* Underground tanks in flood hazard areas shall be anchored 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.

615.2. ~~816.10.6.2.~~ *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of section 615.3 ~~816.10.6.3~~ shall be permitted in flood 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.

615.3. ~~816.10.6.3.~~ *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to an elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

615.4. ~~816.10.6.4.~~ *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

616. ~~816.10.7.~~ Other development.

616.1. ~~816.10.7.1.~~ *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this chapter ~~section~~ or the Florida Building Code FBC, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of section 612.4 ~~816.10.3.4~~ if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements are permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

616.2. ~~816.10.7.2.~~ *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 612.4 ~~816.10.3.4~~.

616.3. ~~816.10.7.3.~~ *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 612.4 ~~816.10.3.4~~.

616.4. ~~816.10.7.4.~~ *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse

to the other side, that encroach into regulated floodways shall meet the limitations of section 816.10.3.4. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section ~~605.3(3)~~ ~~816.5.3(3)~~.

~~616.5. 816.10.7.5.~~ Critical facilities. New critical facilities shall, to the extent feasible, be located outside of the special flood hazard area and outside of the 0.2 percent annual chance flood hazard area (500-year floodplain). If documentation is provided that feasible sites outside of the special flood hazard that satisfy the objectives of a proposed critical facility are not available, then the critical facility shall:

1. Have the lowest floor elevated or protected to at least the base flood elevation plus 3.0 feet or the elevation required by ASCE 24, whichever is higher;
2. Have floodproofing and sealing measures taken to ensure that toxic substances will not be displaced by or released into floodwaters; and
3. Have access routes elevated to or above the base flood elevation to the maximum extent possible.

616.6. Canal encroachments. It shall be unlawful and a violation of this chapter to encroach on or into secondary canal and private canals without the review and approval of the city's public works department. Submittals must provide proof that there will be no change in flood elevations and flow through the canal as result of the encroachment.

616.7. Disposal of water and liquids. It shall be unlawful and a violation of this chapter to dispose of any rainwater, stormwater runoff or other liquids by allowing or causing the same flow on, over or across any adjoining property, right of way, easement, and drainage canal, whether private or public. Exceptions to this condition may be allowed on a limited basis for necessary repairs to swimming pools, based on a case-by-case review and approval of the city's public works department provided the necessary treatment of the water meets the minimum standards established by Broward County Resilient Environment Department, the SFWMD, SBDD, or the governing agency.

Section 6: Fiscal Impact Statement. In terms of design, plan application review, construction, and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. Therefore, in terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

Section 7: Officials Authorized to Take Action. The appropriate City officials are authorized to do all things necessary and expedient to carry out the intent and purpose of this Ordinance.

Section 8: Repeal. That all sections or parts of sections of the LDC of the City, all Ordinances and part of Ordinances, all Resolutions or parts of Resolutions determined by a court of law to be inconsistent or in conflict with this Ordinance are hereby repealed.

Section 9: Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, Section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent change in applicable law, so the provision which had been held invalid is no longer invalid, the provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Ordinance.

Section 10: Interpretation. That it is the intention of the City Commission, and it is hereby ordained, that the provisions and revisions of this Ordinance shall become and be made a part of the Code of the City of Miramar; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word. That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Amendments made to the Ordinance on second reading are double underlined. Asterisks (* * *) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in

the Code of Ordinances denoted by the asterisks and do not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

Section 11: Scrivener's Error. The City Attorney is hereby authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 12: Codification. That it is the intention of the City Commission of the City of Miramar that that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miramar, Florida. The sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Article," "Division," or "Section," or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Temp. Ord. No. 1830

6/2/25

6/10/25

Section 13: Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Yvette Colbourne

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form:

City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

<u>Requested by Administration</u>	<u>Voted</u>
Commissioner Maxwell B. Chambers	_____
Commissioner Avril Cherasard	_____
Vice Mayor Yvette Colbourne	_____
Commissioner Carson Edwards	_____
Mayor Wayne M. Messam	_____