

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

**First Reading Date:** October 28, 2020

**Second Reading Date:** November 16, 2020

**Presenter's Name and Title:** Eric Silva, Director, on behalf of the Community Development Department

**Prepared By:** Nixon Lebrun, Development and Capital Management Coordinator, Community Development

**Temp. Ord. Number:** 1766

**Item Description:** SECOND READING of Temp. Ord. No. 1766, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 OF SAID LAND DEVELOPMENT CODE AND SECTION 166.041(3)(A), FLORIDA STATUTES; MORE SPECIFICALLY AT CHAPTER 8, ENTITLED "DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY" BY AMENDING SECTION 816, ENTITLED "STORM DRAINAGE, WATER MANAGEMENT DESIGN AND FLOODPLAIN MANAGEMENT STANDARDS," TO PROVIDE FOR A DEFINITION, AS WELL AS METHODS OF CONSTRUCTION AND REQUIREMENTS FOR CRITICAL FACILITIES; TO EXTEND THE ONE-FOOT FREEBOARD REQUIREMENT THAT CURRENTLY APPLIES TO NEW AND SUBSTANTIALLY IMPROVED RESIDENTIAL BUILDINGS LOCATED THROUGHOUT THE CITY'S FLOOD ZONES OR SPECIAL FLOOD HAZARD AREAS, TO NEW AND SUBSTANTIALLY IMPROVED MANUFACTURED HOMES, AND TO MECHANICAL EQUIPMENT AND UTILITY ITEMS, ALSO LOCATED IN THE CITY'S FLOOD ZONES, IN COMPLIANCE WITH THE NEW COMMUNITY RATING SYSTEM CLASS 8 PREREQUISITE; AND TO CLARIFY AND STRENGTHEN THE REQUIREMENTS FOR ELEVATED BUILDINGS WITH FULLY ENCLOSED AREAS; MAKING FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (Passed 1<sup>st</sup> Reading on 10/28/20) (*Community Development Director Eric Silva*)

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

**Instructions for the Office of the City Clerk:**

**Public Notice** – As required by the Sec. \_\_\_\_\_ of the City Code and/or Sec. \_\_\_\_\_, Florida Statutes, public notice for this item was provided as follows: on \_\_\_\_\_ in a \_\_\_\_\_ ad in the \_\_\_\_\_; 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 ☒

**REMARKS:**

**Content:**

- **Agenda Item Memo from the City Manager to City Commission**
- **Ordinance TO 1766**
- **Attachment 1 – Class 8 Freeboard Letter to Community Rating System Communities**



**CITY OF MIRAMAR  
INTEROFFICE MEMORANDUM**

**TO:** Mayor, Vice Mayor, & City Commissioners

**FROM:** Vernon E. Hargray, City Manager

**BY:** Eric Silva, Community Development Director

**DATE:** November 10, 2020

**RE:** SECOND READING of Temp. Ord. No. 1766, amending Section 816 of the City's Land Development Code to implement the new Community Rating System Class 8 Freeboard Prerequisite and to provide other updates and cleanups

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**RECOMMENDATION:** That, pursuant to the requirements of Section 302 of the Land Development Code ("LDC") of the City of Miramar (the "City"), the City Commission adopts the ordinance appended hereto, which seeks to amend the City's LDC, specifically by amending Section 816: (1) to provide for a definition, as well as methods of construction and requirements for critical facilities; (2) to extend, as mandated by the National Flood Insurance Program ("NFIP"), the one-foot freeboard requirement that currently applies to residential buildings constructed, substantially improved and/or reconstructed due to substantial damage in the City's Special Flood Hazard Areas ("SFHAs") also known as flood zones, to manufactured homes constructed, substantially improved and/or reconstructed due to substantial damage, as well as mechanical equipment and utility items, also located in the City's SFHAs; and to clarify and strengthen the requirements for elevated buildings with fully enclosed areas located in the City's SFHAs.

**ISSUE:** Pursuant to the requirements of Section 302 of the City's LDC, all text amendments to the LDC require review by the City Commission, which shall hold two (2) duly noticed public hearings following the notification procedures of Section 166.041(3)(a), Florida Statutes ("F.S."), and, upon a finding of compliance with the general intent and standards of the LDC, vote to adopt such amendments with or without modification; reject them; or refer them back to the Planning and Zoning Board or City staff for further consideration.

**BACKGROUND:** The NFIP provides insurance to help reduce the socio-economic impact of floods. The NFIP is managed by the Federal Emergency Management Agency ("FEMA") and is delivered to the public by a network of approximately 60 insurance companies and the NFIP Direct. The NFIP's Community Rating System ("CRS") is a voluntary program that provides flood insurance premium discounts to communities that implement programs and measures that exceed the minimum floodplain management requirements of the NFIP. On January 1, 2021, the CRS will begin implementing a new prerequisite for freeboard for all participating and new CRS communities, which shall be adopted and enforced no later than the first verification cycle visit after January 1, 2021.

Specifically, Section 211 of the 2017 *CRS Coordinator's Manual* will be revised to say, In order to be a Class 8 or better...

- (1) The community must meet all the Class 9 prerequisites; and
- (2) The community must adopt and enforce at least a 1-foot freeboard requirement (including equipment or mechanical items) for all residential buildings, including manufactured homes, constructed, substantially improved, and/or reconstructed due to substantial damage, throughout its SFHA where base flood elevations have been determined on the Flood Insurance Rate Map ("FIRM") or in the Flood Insurance Study ("FIS"), except those areas that receive open space credit under Activity 420 (Open Space Preservation).

**DISCUSSION:** The City of Miramar is a CRS Class 8 community, which means that properties located in flood zones get a 10-percent flood insurance premium reduction. Currently, the City's adopted Floodplain Management regulations, as codified in Section 816 of the LDC, provides that residential buildings and substantially improved residential buildings have their lowest floor, including basement, built with a one-foot freeboard above the base flood elevation ("BFE"). However, this one-foot freeboard requirement does not include manufactured homes, nor electrical systems, equipment and components, heating, ventilating, air conditioning, plumbing appliances and plumbing fixtures, duct systems, and other service equipment. In compliance with the January 2021 deadline to adopt and enforce the new CRS Class 8 Freeboard Prerequisite, the proposed amendment to s. 816 of the LDC will extend the one-foot freeboard requirement to manufactured homes, as well as mechanical equipment and utility items.

**ANALYSIS:** The implementation by FEMA of this new Class 8 Freeboard Prerequisite is to further the flood resiliency in the country, by ensuring that homes are built to better withstand natural disasters, including floods. As noted above, the City currently implements a one-foot freeboard for residential buildings constructed, substantially improved and/or reconstructed due to substantial damage in its SFHAs. Freeboard is a term used by the NFIP to describe a factor of safety usually expressed in feet above the 1-percent-annual-chance flood level. By extending this higher regulatory standard to mechanical equipment and utility items, and to new and substantially improved or reconstructed manufactured homes located in the flood zones, the City Commission is

complying to the CRS mandate and ensuring continued compliance with the NFIP requirements. The CRS credits community efforts that meet or exceed the minimum floodplain management requirements of the NFIP, and the one-foot freeboard meets the new minimum standards. As a CRS Class 8 community, the City would be penalized and downgraded to a Class 9 community, if that requirement is not being enforced for manufactured homes, mechanical equipment and utility items by January 2021. Nevertheless, beyond the benefit of keeping or the threat of losing the 10-percent discount on flood insurance premiums available to Class 8 communities, the proposed amendment attests to the City Commission's commitment to foster a more resilient Miramar by minimizing public and private losses due to flood conditions and by enabling the residents to resume their activities and be on the path to recovery as fast as possible following a flood event.

It shall be noted that, in addition to the extension of the one-foot freeboard requirement to manufactured homes in the SFHAs, the City's floodplain management staff is also adding a definition for critical facilities and proposing certain criteria for the location and methods of construction thereof. Chief among these criteria is to enforce a 3-foot freeboard for all new such facilities, for which a slight chance of flooding might be too great of a cost to bear, especially when the City is, after Fort Lauderdale and Hollywood, the preferred location for most of the shelters in the County, featuring a total of eight such facilities. Protecting critical facilities to higher levels would reduce damage to those facilities and improve the City's ability to respond to the needs of citizens during a disaster. Another minor revision being proposed involves some clarification on the requirements for elevated buildings with fully enclosed areas in the SFHAs.

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**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 OF THE LAND DEVELOPMENT CODE AND SECTION 166.041(3)(A), FLORIDA STATUTES, MORE SPECIFICALLY AT CHAPTER 8, ENTITLED "DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY" BY AMENDING SECTION 816, ENTITLED "STORM DRAINAGE, WATER MANAGEMENT DESIGN AND FLOODPLAIN MANAGEMENT STANDARDS," TO PROVIDE FOR A DEFINITION, AS WELL AS METHODS OF CONSTRUCTION AND REQUIREMENTS FOR CRITICAL FACILITIES; TO EXTEND THE ONE-FOOT FREEBOARD REQUIREMENT THAT CURRENTLY APPLIES TO NEW AND SUBSTANTIALLY IMPROVED RESIDENTIAL BUILDINGS LOCATED THROUGHOUT THE CITY'S FLOOD ZONES OR SPECIAL FLOOD HAZARD AREAS, TO NEW AND SUBSTANTIALLY IMPROVED MANUFACTURED HOMES, AND TO MECHANICAL EQUIPMENT AND UTILITY ITEMS, ALSO LOCATED IN THE CITY'S FLOOD ZONES, IN COMPLIANCE WITH THE NEW COMMUNITY RATING SYSTEM CLASS 8 PREREQUISITE; AND TO CLARIFY AND STRENGTHEN THE REQUIREMENTS FOR ELEVATED BUILDINGS WITH FULLY ENCLOSED AREAS; MAKING FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, 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

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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 governmental 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 participating community in the National Flood Insurance Program's ("NFIP") Community Rating System ("CRS") and currently holds a Class 8 rating; and

**WHEREAS**, the City Commission desires to continue to meet the requirements of Title 44, Code of Federal Regulations ("CFR"), Sections 59 and 60, as amended, necessary for such participation and has previously adopted floodplain management regulations that are based on data provided by the Federal Insurance Administrator, coordinated with the Florida Building Code ("FBC") and codified in Section 816 of the City's Land Development Code ("LDC"); and

**WHEREAS**, in January 2021, the CRS will implement a new Class 8 Freeboard Prerequisite for all new and participating Class 5 through Class 8 CRS communities; and

**WHEREAS**, in compliance therewith, all such communities must adopt and enforce at least a one-foot freeboard requirement (including equipment or mechanical items) for residential buildings constructed, substantially improved, and/or reconstructed due to substantial damage, within their SFHAs where base flood elevations ("BFE") have been

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determined on the Flood Insurance Rate Map (“FIRM”) or in the Flood Insurance Study (“FIS”), except those areas that receive open space credit under Activity 420 (Open Space Preservation); and

**WHEREAS**, the City’s adopted floodplain regulations currently provide that new and substantially improved residential buildings throughout the City’s SFHAs have their lowest floor, including basement, built with a one-foot freeboard above the BFE, but fail to subject manufactured homes, as well as mechanical equipment and utility items also located in the SFHAs to this higher regulatory standard; and

**WHEREAS**, in compliance with the new CRS prerequisite, the City’s adopted floodplain regulations, as codified in Section 816 of the LDC, are to be amended to extend the one-foot freeboard requirement to manufactured homes constructed, substantially improved and/or reconstructed due to substantial damage, as well as mechanical equipment and utility items in the SFHAs; and

**WHEREAS**, this new CRS prerequisite provides City staff with an opportunity to address certain deficiencies in the existing floodplain regulations and thereby include missing definition and standards for critical facilities, while clarifying and strengthening the flood resistant development standards for residential buildings, non-residential buildings and elevated buildings with fully enclosed areas; and

**WHEREAS**, Section 302 of the LDC establishes a uniform procedure for the review and adoption of text amendments to the City’s LDC; and



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**WHEREAS**, notification of the proposed amendment was published in the Sun Sentinel, pursuant to Section 301.11.1 of the LDC and Section 166.041, F.S.; and

**WHEREAS**, the proposed 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;" and

**WHEREAS**, Section 107 of the LDC establishes the Planning and Zoning Board (the "P&Z Board") as the Local Planning Agency ("LPA") to make recommendations to the City Commission regarding amendments to the texts of the LDC; and

**WHEREAS**, the P&Z Board, sitting as the LPA, held a duly noticed public hearing on October 13, 2020, to review and discuss the proposed amendment along with staff's finding of facts as laid out in the Community Development Director's memorandum; and

**WHEREAS**, the P&Z Board, after due consideration of all matters, found the proposed amendment to comply with the applicable review criteria of the LDC, to be consistent with the City's Comprehensive Plan, and therefore recommended adoption of same by the City Commission; and

**WHEREAS**, pursuant to Section 302.6 of the LDC, the City Commission held two public hearings, pursuant to the notice requirements of Section 166.041, F.S., on October 28, 2020 and on November 16, 2020 to review the amendment along with the findings of facts laid out in the City Manager's memo, at which hearings public testimony was taken; and

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**WHEREAS**, the City Commission, after due consideration of all matters, found the proposed text amendment to comply with the review standards for text amendments to the City's LDC, as established in Section 302.7 of the LDC, and to further be consistent with the flood damage prevention goal of the City's Comprehensive Plan; and

**WHEREAS**, the City Commission deems it to be in the best interest of the citizens and residents of the City of Miramar to adopt the proposed amendment to Chapter 8 of the City's LDC, as it would ensure continued compliance with the NFIP requirements, which is necessary to maintain a Class 8 or better in the CRS, and would foster a more resilient Miramar by minimizing public and private losses due to flood conditions and by allowing the residents to resume their activities and be on the path to recovery as fast as possible following a flood event.

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

**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:**    That Subsection 816.9. and Subsection 816.10 of the Land Development Code of the City of Miramar are hereby amended to read as follows:

**Chapter 8 - DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY**

\* \* \*

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

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*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:

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 Risk Category III and Risk Category IV pursuant to the Florida Building Code.

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*816.10. Flood resistant development.*

*816.10.1. Buildings and structures.*

*816.10.1.1. Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to section 816.4.2.1, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 816.10.7.

*816.10.1.2. Specific methods of construction and requirements.*

*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

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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.

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~~816.10.1.2.4. *Enclosures.* In addition to the requirements of the Florida Building Code, enclosed areas below the base flood elevation shall meet the following:~~

- ~~1. Have no electrical, plumbing, and other utility connections below the base flood elevation;~~
- ~~2. Have the minimum access necessary for parking of vehicles (garage door) or limited storage for maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and~~
- ~~3. Have no interior partitions or finishing into separate rooms.~~

*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;

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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."

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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

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**Section 3:**    **Repeal.** That all sections or parts of sections of the City Code, 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 4:**    **Severability/Interpretation.**

(a)    Severability. That if any word, clause, phrase, sentence, paragraph or section of this Ordinance is held to be unconstitutional or invalid by any court of competent jurisdiction, such unconstitutional or invalid part or application shall be considered as eliminated and shall not affect the validity of the remaining portions or applications which shall remain in full force and effect.

(b)    Interpretation. That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Changes between first and second readings are denoted by underlined words. 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 5:**    **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 6:**    **Codification.** That it is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Miramar, Florida. The sections of this

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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.

**Section 7:**    **Effective Date:** That this Ordinance shall become effective upon adoption.



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**PASSED FIRST READING:** \_\_\_\_\_

**PASSED AND ADOPTED ON SECOND READING:** \_\_\_\_\_

\_\_\_\_\_  
Mayor, Wayne M. Messam

\_\_\_\_\_  
Vice Mayor, Maxwell B. Chambers

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

<b><u>Requested by Administration</u></b>	<b><u>Voted</u></b>
Commissioner Winston F. Barnes	_____
Vice Mayor Maxwell B. Chambers	_____
Commissioner Yvette Colbourne	_____
Commissioner Alexandra P. Davis	_____
Mayor Wayne M. Messam	_____



# INSURANCE SERVICES OFFICE, INC.

1000 Bishops Gate Blvd, Suite 300, P.O. Box 5404, Mt. Laurel, New Jersey 08054  
Phone: (856) 787-0412 or (800) 444-4554 FAX 1-800-777-3929

May 29, 2020

Dear CRS Community:

This letter is to inform you that on January 1, 2021, the National Flood Insurance Program's (NFIP) Community Rating System (CRS) will begin implementing a new prerequisite for achieving Class 8: enforcement of a freeboard standard for residential buildings. Specifically, Section 211 of the 2017 *CRS Coordinator's Manual* will be revised to say,

In order to be a Class 8 or better...

- (1) The community must meet all the Class 9 prerequisites; and
- (2) The community must adopt and enforce at least a 1-foot freeboard requirement (including equipment or mechanical items) for all residential buildings, including manufactured homes, constructed, substantially improved, and/or reconstructed due to substantial damage, throughout its Special Flood Hazard Area (SFHA) where base flood elevations have been determined on the Flood Insurance Rate Map (FIRM) or in the Flood Insurance Study (FIS), except those areas that receive open space credit under Activity 420 (Open Space Preservation).

This language for the new Class 8 prerequisite will be included in the 2021 Addendum to the 2017 *CRS Coordinator's Manual*. If your community does not require freeboard for residential buildings, you will need to adopt freeboard requirements, and begin enforcing those requirements, before your first CRS verification cycle visit that occurs after January 2021. About 80 percent of CRS communities already meet the forthcoming Class 8 prerequisite, but we are asking all communities to review their community's floodplain regulations and/or building codes to ensure that freeboard for residential building is in place, and to confirm that freeboard requirements are being enforced. Note that freeboard may be required through your State- or community-adopted building code. At your community's first verification cycle visit after January 1, 2021, the Insurance Services Office, Inc. (ISO) CRS Specialist will review your ordinance and Elevation Certificates to verify that freeboard is being applied. Communities that do not implement freeboard will be limited to a CRS Class 9 rating.

We recommend that you share this information with your community CRS coordinator, your community floodplain administrator, and your building department. If you need a model ordinance or sample regulatory language for freeboard, please contact your State NFIP Coordinator, Federal Emergency Management Agency (FEMA) Regional CRS Coordinator, or ISO/CRS Specialist. Remember, your ISO/CRS Specialist is also available to do a courtesy review of your community requirements for freeboard at any time before your next verification cycle visit.

All communities that verify they implement a freeboard requirement will receive CRS credit under Activity 430 (Higher Regulatory Standards). This new CRS prerequisite also provides an opportunity for communities to consider whether a 2-foot or even 3-foot freeboard standard would be appropriate for them.

For more information, please see the February/March issue of the *NFIP/CRS Update* newsletter and visit [CRSresources.org](https://www.iso-ne.com/crsresources.org). Attached are some answers to frequently asked questions for the Class 8 freeboard prerequisite. Please remember that your ISO/CRS Specialist and your FEMA Regional CRS Coordinator are always available to answer any questions.

Sincerely,

Sherry Harper  
Director, Flood Mitigation

Attachment

cc: Community CRS Coordinator  
FEMA Regional CRS Coordinator  
NFIP State Coordinator and/or State CRS Coordinator