

ORDINANCE NO. 19-12-02

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA RELATING TO CHAPTER 10, FLOOD PREVENTION AND PROTECTION; AMENDING SECTION 10-75, DEFINITIONS AND SCOPE; AMENDING SECTION 10-80, DESIGN AND CONSTRUCTION OF BUILDINGS, STRUCTURES, AND FACILITIES EXEMPT FROM FLORIDA BUILDING CODE; AMENDING SECTION 10-99, GENERAL ELEVATION REQUIREMENT; AMENDING SECTION 10-100, ELEVATION REQUIREMENT FOR EXISTING MANUFACTURED HOME PARKS AND SUBDIVISIONS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; SUPERCEDING CONFLICTING ORDINANCES AND RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Pembroke Park was accepted for participation in the National Flood Insurance Program on May 1, 1979, and the Town currently meets the requirements of Title 44, Code of Federal Regulations, Sections 59 and 60, necessary for participation in the National Flood Insurance Program; and

WHEREAS, the Town staff recommends that the Town amend the current Code of Ordinances to clarify and establish the minimum elevation requirements related to mobile homes in compliance with the National Flood Insurance Program Community Rating System; and

WHEREAS, the Town Commission has conducted the public hearings required by Section 166.041, Florida Statutes, to allow interested persons an opportunity to comment on the proposed amendments to the Flood Prevention and Protection Ordinance; and

WHEREAS, the Town Commission has determined it is in the best interest of the Town to amend the Flood Prevention and Protection Ordinance as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA:

Section 1: That the foregoing recitals are incorporated herein by reference and made a part hereof.

Section 2: That Section 10-75, of the Code of Ordinances, Town of Pembroke Park, Florida, is hereby amended to read as follows:

**“Sec. 10-75. Definitions and Scope.**

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in 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 ordinance 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 1-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 “1-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.]

Crown of Road – The elevation of the highest surface of existing street pavement within the right-of-way abutting the property relative to the National Geodetic Vertical Datum (NGVD) or North America Vertical Datum (NAVD) or otherwise approved by the Town Public Works Director.

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

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

- (a) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (b) 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 2 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 May 1, 1979. [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 May 1, 1979.

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.]

(a) The overflow of inland or tidal waters.

(b) 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.]

- (a) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (b) 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 the Federal Emergency Management Agency 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 the Federal Emergency Management Agency 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 ordinance (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 ordinance.

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 (1) 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:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) 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 (8) feet or more in width and greater than four hundred (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 ordinance, 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 ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after May 1, 1979 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 May 1, 1979.

Park trailer – A transportable unit which has a body width not exceeding fourteen (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 Section 320.01, Florida Statutes]

Recreational vehicle – A vehicle, including a park trailer, which is: [see in Section 320.01, Florida Statutes]

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (d) 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 1 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.]

- (a) 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.
- (b) 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 ordinance, 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 ordinance 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.”

Section 3: That Section 10-80, of the Code of Ordinances, Town of Pembroke Park, Florida, is hereby amended to read as follows:

**“Sec. 10-80. Design and construction of buildings, structures and facilities exempt from the Florida Building Code.**

(a) Pursuant to Section 10-31 of this ordinance, 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 Article III, Division 7 of this ordinance.

(b) Buildings and structures located, in whole or in part, in a flood hazard area:

(1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.

(2) Minor structures and non-habitable major structures as defined in Section 161.54, Florida Statutes, shall be designed and constructed to comply with the intent and applicable provisions of the Floodplain Regulations and ASCE 24.

(3) Specific methods of construction and requirements. Pursuant to Broward County Administrative Provisions for the Florida Building Code, the following specific methods of construction and requirements apply in all areas of the Town:

(A) Minimum elevation (regardless of the area).

(i) Residential buildings. New construction and substantial improvement of residential buildings shall have the lowest floor, including basement, elevated to or above the base flood elevation, plus one foot or at least 18 inches above the highest point of the crown of all existing streets adjacent to the plot upon which all other buildings are located, whichever results in the highest elevation.

(ii) Nonresidential buildings. New construction and substantial improvement of nonresidential buildings shall have the lowest floor, including basement, elevated or dry flood-proofed to or above the elevation required in the Florida Building Code, or at least six inches above the highest point of the crown of all existing streets adjacent to the plot upon which all other buildings are located, whichever results in the highest elevation.

(iii) Critical facilities buildings. New construction and substantial improvement of critical facilities buildings shall have the lowest floor, including basement, elevated or dry-proofed to or above the base flood elevation plus two feet, or the 500-year flood elevation, or at least 24 inches above the highest point of the crown of all existing streets adjacent to the plot upon which all other buildings are located, whichever results in the highest elevation.”

Section 4: That Section 10-99, of the Code of Ordinances, Town of Pembroke Park, Florida, is hereby amended to read as follows:

**“Sec. 10-99. General elevation requirement.**

Unless subject to the requirements of Section 10-100 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 ~~(Zone A)~~, or the bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 20 inches in height above grade, whichever is greater."

Section 5: That Section 10-100, of the Code of Ordinances, Town of Pembroke Park, Florida, is hereby amended to read as follows:

**“Sec. 10-100. Elevation requirement for certain existing manufactured home parks and subdivisions.**

Manufactured homes that are not subject to Section 10-99 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

(a) Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 ~~(Zone A)~~ (all SFHA); ASCE-24; or

(b) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than ~~36~~ 20 inches in height above grade.

(c) In Flood hazard Areas (B, C and X) the bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 20 inches in height above grade.”

Section 6: That the provisions of this Ordinance are to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7: That it is the intention of the Commission of the Town of Pembroke Park that the provisions of this Ordinance shall be included in the Pembroke Park Code of Ordinances, and the sections may be renumbered, or relettered, ordinance may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

Section 8: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions, in conflict herewith be and the same are hereby superseded to the extent of such conflict.

Section 9: That this Ordinance shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on First Reading the 13<sup>th</sup> day of November, 2019.

PASSED AND ADOPTED on Second Reading the 11<sup>th</sup> day of December, 2019.

  
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ASHIRA A. MOHAMMED  
Mayor-Commissioner

ATTEST:

  
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GEOFFREY JACOBS  
Clerk-Commissioner

VOTE

|                      |               |
|----------------------|---------------|
| ASHIRA MOHAMMED      | <u>YES</u>    |
| HOWARD P. CLARK, JR. | <u>YES</u>    |
| GEORGINA COHEN       | <u>YES</u>    |
| GEOFFREY JACOBS      | <u>ABSENT</u> |
| REYNOLD DIEUVEILLE   | <u>YES</u>    |