

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 154 OF THE CODE OF ORDINANCES ENTITLED "FLOOD DAMAGE PREVENTION" TO REVISE THE REGULATIONS TO BE IN CONFORMANCE WITH FEMA'S MODEL FLOODPLAIN MANAGEMENT ORDINANCE AND THE FLORIDA BUILDING CODE; PROVIDING FOR A REPEALER PROVISION; A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 154 of the Hollywood Code of Ordinances sets forth the regulations and guidelines relating to flood damage prevention; and

WHEREAS, the City participates in the National Flood Insurance Program and is required to meet the requirements of Sections 59 and 60 of Title 44 of the Code of Federal Regulations to continue to participate in this program; and

WHEREAS, in January, 2013, the Federal Emergency Management Agency ("FEMA") adopted the model floodplain management ordinance; and

WHEREAS, the Florida Division of Emergency Management ("Division") has reviewed the City's current flood damage prevention ordinance and has identified corrections required by FEMA consistent with its model ordinance; and

WHEREAS, City staff has reviewed both the FEMA model ordinance and the Division's proposed corrections and have determined that the current code provisions need to be updated to coincide with FEMA's regulations; and

WHEREAS, the City Commission has determined that it is in the best interest of the citizens of Hollywood to amend the floodplain management regulations set forth in Chapter 154 of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA.

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Coding: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

Section 2: That Chapter 154 of the Hollywood Code of Ordinances entitled "Flood Damage Prevention" is amended as follows:

TITLE: XV: LAND USAGE

\* \* \*

CHAPTER 154: FLOOD DAMAGE PREVENTION

*ADMINISTRATION*

\* \* \*

**§ 154.02 APPLICABILITY.**

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(B) *Areas to which this chapter applies.* This chapter shall apply to all areas within the City of Hollywood, as established in Section 154.02(C) of this chapter.

\* \* \*

(C) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Broward County, Florida and Incorporated Areas dated August 18, 2014, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter 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 Department of Public Utilities.

~~Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to §154.05 of 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 community 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 and, as applicable, the requirements of the *Florida Building Code*.~~

~~(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.~~

(D) Submission of additional data to establish flood hazard areas. To establish

flood hazard areas and base flood elevations, pursuant to § 154.05 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 community 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 and, as applicable, the requirements of the *Florida Building Code*.

(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.

(E) ~~(D)~~ Other laws. The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

(F) ~~(E)~~ Abrogation and greater restrictions. This chapter 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*. In the event of a conflict between this chapter and any other ordinance, the more restrictive shall govern. This chapter 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.

(G) ~~(F)~~ Interpretation. In the interpretation and application of this chapter, all provisions shall be:

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### **§ 154.03 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR.**

\* \* \*

(H) *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:

\* \* \*

(4) Review required design certifications and documentation of elevations specified by this chapter and the *Florida Building Code* ~~and this chapter~~ to determine that such certifications and documentations are complete;

\* \* \*

(I) *Floodplain management records.* Regardless of any limitation on the period

required for retention of public records, the Floodplain Administrator in coordination with the Building Official shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter and the flood resistant construction requirements of the *Florida Building Code*, including flood insurance rate maps; 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* and this chapter; 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 and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the Department of Public Utilities.

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#### **§ 154.07 VARIANCES AND APPEALS.**

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(D) *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, Existing Building, Chapter 12* ~~Chapter 14~~ 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*.

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#### **DEFINITIONS**

#### **§ 154.20 RESERVED GENERAL.**

~~(A) *Scope.* Unless otherwise expressly stated, the following words and terms, shall, for the purposes of this chapter, have the meanings shown in this division.~~

~~(B) *Terms defined in the Florida Building Code.* Where terms are not defined~~

~~in this chapter and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.~~

~~(C) *Terms not defined.* Where terms are not defined in this chapter or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.~~

## § 154.21 DEFINITIONS.

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**APPEAL.** A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter ~~or a request for a variance.~~

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**BASE FLOOD.** A flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202 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 202 1612.2; see "Basement (for flood loads)".]

**BASEMENT.** The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202 1612.2.]

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**COASTAL HIGH HAZARD AREA.** A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on flood insurance rate maps (FIRM) as Zone V1-V30, VE, or V. ~~[Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]~~

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**DESIGN FLOOD.** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202 1612.2.]

(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.** 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 202 4612.2.]

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\* \* \*

**EXISTING BUILDING** and **EXISTING STRUCTURE.** Any buildings and structures for which the "start of construction" commenced before November 3, 1972. [Also defined in FBC, B, Section 202 4612.2.]

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**FLOOD OR FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202 4612.2.]

- (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.** 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 4612.2.]

**FLOOD HAZARD AREA.** The greater of the following two areas: [Also defined in FBC, B, Section 202 4612.2.]

- (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).** 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 202 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 202 1612.2.]

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**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 12* ~~Chapter 14~~ Historic Buildings.

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**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 202 1612.2.]

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**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 202 1612.2.]

**START OF CONSTRUCTION.** The date of issuance of permits 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 202 4612.2.]

**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% of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202 4612.2.]

### **FLOOD RESISTANT DEVELOPMENT**

#### **§ 154.50 BUILDINGS AND STRUCTURES.**

(A) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to §154.04(C)(B), 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 § 154.56.

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#### **§ 154.53 MANUFACTURED HOMES.**

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

(1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this chapter. Foundations for manufactured homes subject to Section 154.53(D)(2) of this chapter are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

\* \* \*

(E) *Enclosures.* Fully enclosed ~~Enclosed~~ areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area and § 154.50(C).

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## **§ 154.56 OTHER DEVELOPMENT.**

(A) *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 or the *Florida Building Code*, shall:

\* \* \*

(4) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

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Section 3: That it is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this Ordinance shall be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions and parts of resolutions in conflict are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 154 OF THE CODE OF ORDINANCES ENTITLED "FLOOD DAMAGE PREVENTION" TO REVISE THE REGULATIONS TO BE IN CONFORMANCE WITH FEMA'S MODEL FLOODPLAIN MANAGEMENT ORDINANCE AND THE FLORIDA BUILDING CODE; PROVIDING FOR A REPEALER PROVISION; A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

ADVERTISED on \_\_\_\_\_, 2020.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC,  
CITY CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY for the use and reliance  
of the City of Hollywood, Florida, only.

\_\_\_\_\_  
DOUGLAS R. GONZALES  
CITY ATTORNEY