

ORDINANCE NO. 2004- | |

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, REPEALING ORDINANCE # 2004-01; CREATING A NEW PLAN FOR FLOOD DAMAGE PREVENTION TO MINIMIZE PUBLIC AND PRIVATE LOSS DUE TO FLOOD CONDITIONS IN SPECIFIC AREAS; PROVIDING FOR INCLUSION IN THE TOWN'S CODE, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 14, 2000, the Town Council adopted Ordinance No. 2001-2, which created a plan for flood damage prevention; and

WHEREAS, the Federal Emergency Management Agency ("FEMA") has reviewed the Town's plan and has requested that the Town revise its plan to emphasize the Town's unique characteristics, topography, and flood requirements; and

WHEREAS, on December 11, 2003 the Town Council adopted Ordinance No. 2004-01, which created a revised plan for flood damage prevention and which repealed Ordinance No. 2001-2; and

WHEREAS, after reviewing the revised Ordinance, FEMA requested some additional modifications to better protect the Town; and

WHEREAS, the adoption of a plan acceptable to FEMA is necessary to ensure that the Town's residents will have the ability to purchase flood insurance through the National Flood Insurance Program; and

WHEREAS, upon incorporation of the Town of Southwest Ranches, the Broward County Ordinances remained in force and effect, unless repealed by the Town of Southwest Ranches; and

WHEREAS, it has come to the attention of the Town Council that, although Broward County has an existing ordinance for flood damage prevention, FEMA regulations make it necessary for the Town of Southwest Ranches to pass its own flood damage prevention ordinance in order to ensure its residents' ability to purchase flood insurance through the National Flood Insurance Program;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: Recitals Adopted. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: Town of Southwest Ranches Ordinance No. 2004-01 shall be repealed in its entirety.

Section 3: The Code of Ordinances for the Town of Southwest Ranches shall be amended to include the following :

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of Florida has in state statutes delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town Council of the Town of Southwest Ranches, Broward County, Florida does hereby adopt the following floodplain management regulations.

SECTION B. FINDINGS OF FACT.

- (1) The flood hazard areas of the Town of Southwest Ranches are subject to periodic inundation which results 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.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) 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 velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this Ordinance are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;

- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) To ensure that potential homebuyers are notified that property is in a flood area.

SECTION E. METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this Ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Accessory structure (*Appurtenant structure*) means a structure which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal

initial investment, may not be used for human habitation, and shall be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition *(to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.*

Appeal *means a request for a review of the floodplain administrator's interpretation of any provision of this Ordinance or a request for a variance.*

Area of shallow flooding *means a designated AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.*

Area of special flood hazard *is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year.*

Base flood *means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood") according to a Flood Insurance Study and as indicated on the Flood Insurance Rate Map (FIRM).*

Basement *means that portion of a building having its floor sub-grade (below ground level) on all sides.*

Breakaway wall *means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.*

Broward County *means the charter government of Broward County, Florida.*

Building *see Structure.*

Central Broward Water Control District (CBWCD) *is located within and serves a portion of the Town of Southwest Ranches bounded on the north by Griffin Road, bounded on the South by Old Sheridan Street, bounded on the west by S.W. 148th Avenue (Volunteer Road), and bounded on the east by Southwest 124th Avenue (Flamingo Road).*

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Drainage District means a governmental entity other than the Town of Southwest Ranches that has jurisdiction over drainage over some or all of the land within the Town of Southwest Ranches. This could mean the South Florida Water Management District (SFWMD), Broward County (BC), Central Broward Water Control District (CBWCD), South Broward Drainage District (SBDD), or such other governmental entity as is from time to time duly created by law.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction any structure for which the "start of construction" commenced before October 20, 1972.

Existing manufactured home park or subdivision means 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, roads, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the local drainage district seeking to enforce same or before October 20, 1972 with respect to the Town of Southwest Ranches enforcement of its land development regulations.

Expansion to an existing manufactured home park or subdivision means 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, roads, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a.) The overflow of inland or tidal waters;

b.) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) *means an official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium flood zones and the base flood elevations applicable to the community.*

Flood Insurance Study (FIS) *is the official hydraulic & hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM and the water surface elevation of the base flood.*

Floodplain *means any land area susceptible to flooding.*

Floodplain management *means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.*

Floodplain Management Administrator *is the individual appointed to administer and enforce the floodplain management regulations.*

Floodplain management regulations *means this Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.*

Flood proofing *any combination of structural or non structural or additions, or changes, or adjustments to structures which reduce or eliminate flood damage to real estate, or improved real property, water and sanitary facilities, structures and their content.*

Floodway *means the channel of a river or other 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 fringe *means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.*

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship (as related to variances of this Ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Town Council 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 of 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 outside the structure and adjacent to the foundation.

Historic Structure means any structure that is:

- a.) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
- b.) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district:
- c.) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
or
- d.) Individually listed on a local inventory historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Increased Cost of Construction (ICC) means the cost to repair a substantially damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention

ordinance. ICC insurance coverage is provided in a standard (NFIP) flood insurance policy.

Lowest adjacent grade *means the lowest natural elevation surface outside the structure and adjacent to the foundation.*

Lowest floor *means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the nonelevation design standards of this Ordinance.*

Manufactured home *means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.*

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 *means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.*

Master Drainage Permit *means permits issued by the Town of Southwest Ranches, the South Florida Water Management District (SFWMD), Broward County (BC), Central Broward Water Control District (CBWCD), and South Broward Drainage District (SBDD), each in accordance with their respective jurisdiction, which permit covers a large geographic area not limited to a single lot or parcel of property.*

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. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).*

National Geodetic Vertical Datum (NGVD) *as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.*

New Construction *means any structure for which the "start of construction" commenced after October 20, 1972. The term also includes any subsequent improvements to such structures.*

New manufactured home park or subdivision *means 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, roads, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain regulations adopted by the local drainage district seeking to enforce same or after October 20, 1972.*

Obstruction *includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.*

Public safety and nuisance, *anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, canal, or basin.*

Recreational vehicle *means a vehicle that is:*

- a.) Built on a single chassis;*
- b.) 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.*

Repetitive Loss *means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the replacement cost of the building at the time of each such flood event.*

National Geodetic Vertical Datum (NGVD) *as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.*

the Town of Southwest Ranches bounded on the north by Griffin Road, bounded on the south by Old Sheridan Street, bounded on the west by U.S. 27 (and the Everglades), and bounded on the east by I-75 (and a small portion east of I-75, Ivanhoe Estates and Santa Fe Estates).

Special Flood Hazard Area (SFHA) (see Area of Special Flood Hazard) *means an area having special flood hazard and shown on FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE, or V.*

Start of construction *(for other than new construction or substantial improvements under the Coastal Barrier Resources Act P. L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For 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.*

Structure *means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.*

Substantial damage *means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.*

Substantial improvement *means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. This includes any combination of repairs, reconstruction, alteration, or improvements to a building taking place during the life of the building in which the cumulative cost equals or exceeds 50 percent of the market value of the building either:*

- a.) Before the improvement or repair is started; or,*
- b.) 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 dimensions of the structure.

This term includes structures that have incurred "substantial damage" and are "repetitive loss," regardless of the actual repair work performed. 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 dimensions of the building. The term does not, however, include either:

- a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code violations which have been identified prior to permit issuance by the Code Enforcement Official and which are solely necessary to assure safe living conditions; or,*
- b.) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."*

Substantially improved existing manufactured home parks or subdivisions *is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.*

Town of Southwest Ranches *means the municipal government established pursuant to Chapter 2000-475, Florida Statute.*

Variance *is a grant of relief from the requirements of this Ordinance, which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.*

Violation *means the failure of a structure or other development to be fully compliant with this Ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.*

Water Management Facility *means a lake, pond, dry retention or dry detention area, canal, swale, or other topographic feature on or over which waters flow at least periodically.*

Water surface elevation *means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified).*

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

10 year flood is the maximum flood that will occur based on the 10-year one-day analysis as shown on the Broward County Water Resources Management Division 10-year flood elevation map, or analyses that have been reviewed and approved by the Town of Southwest Ranches Engineering Department.

100 year flood is the flood that will occur based on the analysis in the Flood Insurance Study (the FIRM), the analysis performed by the Broward County Water Resources Management Division (Public Works Department 100-year Elevation Map) and other analyses that have been reviewed and approved by the Town of Southwest Ranches Engineering Department.

500 year flood is the flood that will occur based on the analysis in the Flood Insurance Study (the FIRM) or subsequent analysis that have been reviewed and approved by the Town of Southwest Ranches Engineering Department.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This Ordinance shall apply to all areas of special flood hazard within the zoning and building code jurisdiction of the Town of Southwest Ranches.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study dated August 18, 1992, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A development permit shall be required in conformance with the provisions of this Ordinance prior to the commencement of any development activities.

SECTION D.COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this Ordinance 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.

SECTION G.WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Southwest Ranches or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION H.PENALTIES FOR VIOLATION.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation of the Town's Code and all permits may be withheld until a final determination is made.

A violation of any provision of this Ordinance shall be prosecuted, in the Town's sole discretion, in accordance with Section 162, Florida Statutes, as may be amended from time to time, or through a court of competent jurisdiction. If a violation is found, the offending party shall be given no more than thirty (30) days to correct the violation and shall be assessed an administrative penalty of not less than \$250.00 per day per violation until the violation has been corrected.

In accordance with Section 39-10 (c) of the Town's Code, the provisions of this section may also be enforced by the Town's law enforcement as a violation of a Town Ordinance and, as such, shall be punishable in accordance with Section 125.69, Florida Statutes, as may be amended from time to time.

Nothing contained herein shall prevent the Town from taking such other lawful actions as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOOD DAMAGE PREVENTION ORDINANCE ADMINISTRATOR.

The Town Council of the Town of Southwest Ranches hereby appoints the Town Administrator to implement the provisions of this Ordinance and is herein referred to as the Floodplain Ordinance Administrator, the Floodplain Management Administrator and/or the Administrator.

SECTION B. PERMIT PROCEDURES.

Application for a Development Permit shall be made to the Floodplain Management Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in triplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application Stage.

- a.) Elevation in relation to mean sea level or NGVD of the proposed lowest floor (including basement) of all buildings;

- b.) Elevation in relation to mean sea level or NGVD to which any non-residential building will be flood-protected;
 - c.) Certificate from a registered professional engineer or architect that the non-residential flood-protected building will meet the flood-protected criteria in Article 5, Section B;
 - d.) Description of the extent to which any water management area will be altered or relocated as result of proposed development (if applicable), and;
- (2) Construction Stage:

Upon placement of the lowest floor, or flood-protecting by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Management Administrator a certification of the NGVD elevation of the lowest floor or flood-protected elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood protecting is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder' risk. (The Floodplain Management Administrator shall review the lowest floor and flood-protecting elevation survey data submitted.) The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN MANAGEMENT ADMINISTRATOR.

Duties of the administrator shall include, but not be limited to:

- (1) Review all development permits to assure that the permit requirements of this Ordinance have been satisfied;
- (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

- (3) Notify adjacent communities, the State Floodplain Coordinator, and other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of a water management facility (if applicable).
- (4) Assure that maintenance provided within the altered or relocated portion of said water management facility so that flood carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Article 4, Section B (2).
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-protected, in accordance with Article 4, Section B (2).
- (7) Review certified plans and specifications for compliance.
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Management Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (9) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the Floodplain Management Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all areas of special flood hazard the following provisions are required:

- (1) New construction, substantial improvements, and utility facilities shall utilize flood resistant materials if the materials are located at or below the base (100 year) flood elevation;
- (2) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

- (3) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Electrical, plumbing, and other utility equipment are prohibited below the 100 year flood elevation unless they are flood proofed. Electrical outlets and switches below the base (100 year) flood elevation are subject to the use of ground fault interrupt (GFI) circuits;
- (4) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. Potable, non-submersible well pumps shall be located above the base (100 year) flood elevation;
- (5) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (6) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (7) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance shall meet the requirements of "new construction" as contained in this Ordinance;
- (8) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this Ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced; and,
- (9) All development permits and permit modifications must be in compliance with all applicable Federal, State, Municipal, and Local Water Management and/or Drainage Districts.

SECTION B. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Article 3, Section B, the following provisions are required:

- (1) Drainage Level of Service Standards and/or Applicable Local Drainage District Criteria.

- a.) Critical facilities shall be built with lowest floor elevations at or above the expected 500-year (0.2% annual chance flood) or elevation 9.0', whichever is greater.
- b.) All structures and equipment that services the structure, the elevation of the lowest floor shall be no lower than one foot above the base (100-year) flood elevation. To assure adequate site drainage, the lowest adjacent grade at the building site shall be 18 inches above the 10-year flood elevation, or 18 inches above the adjacent crown of the roadway, whichever is greater. The Town or their designee may waive the required drainage offset of 18" with supporting analysis and documentation from the engineer of record.
- c.) All manufactured homes placed, or substantially improved, on individual lots or parcels for which the "start of construction" commenced after October 20, 1972. must meet all requirements for new construction including elevation as stated in Section B. (1) (b) above. All manufactured homes located in existing manufactured home parks or subdivisions must also be supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the ground, anchored foundation system to resist flotation, collapse and lateral movement.
- d.) All recreational vehicles placed on sites must either:
 - (i) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions), or;
 - (ii) Meet all requirements for new construction, including anchoring and elevation requirements of the article and as described above, or;
 - (iii) Be on the site for fewer than 180 consecutive days.
- (2) The highest adjacent grade elevation must be lower than the adjacent lowest floor elevation. The location of the point of highest adjacent grade and its elevation must be indicated on the survey.
- (3) Structures to Meet Hydrostatic Forces.
 - a.) Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of this section.

- b.) New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exist of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- c.) For a floor to be excluded as the lowest floor. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or passive storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is constructed of flood resistant materials and is designed to automatically allow for entry and exit of floodwater in accordance with the provisions of this section. Elevator shafts that are protected from inflow are not considered the building's lowest floor.
- d) Designs for complying with these requirements must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two (2) openings, each on a separate wall, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade; and,
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction(s); however, they must be considered in the calculation.
 - (iv) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.
 - (v) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - (vi) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- e) Non-residential structures may be floodproofed in lieu of being elevated provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting

hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Official, Town Engineer, or their designees. Non-residential structures proposed for dry floodproofing shall also provide an operation and maintenance plan for the installation, storage and maintenance of the flood shields, coverings and devices. At the discretion of the Town, the plan shall be exercised periodically.

(4) Streams or Canals Without Established Base Flood Elevations and/or Floodways

a.) Located within the areas of special flood hazard established in Article 3, Section B, are small streams or canals where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 20 feet of the stream or canal bank unless certification with supporting technical data by a registered, professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2) If Section 1 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood damage hazard reduction provisions of Article 5 and shall be elevated or floodproofed in accordance with elevations established in Article 4, Section C (8) and (9). When base flood elevation data is not available from a federal, State, or other source, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS.

- (1) All subdivision proposals and other proposed developments shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

- (4) Base flood elevation data shall be provided for all subdivision proposals and other proposed developments that are greater than 50 lots or five acres, whichever is the lesser.

SECTION D. CRITICAL FACILITY.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (base or 100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or more above the level of the base flood elevation at the site. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

ARTICLE 6. VARIANCE PROCEDURES.

SECTION A. DESIGNATION OF VARIANCE AND APPEALS BOARD.

The Town Council shall hear and decide appeals and requests for variances from requirements of this Ordinance in a quasi-judicial capacity.

SECTION B. DUTIES OF VARIANCE AND APPEALS BOARD.

The Town Council shall hear and decide appeals in a quasi-judicial capacity when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Management Administrator in the enforcement or administration of this Ordinance. Any person aggrieved by the decision of the board may appeal such decision in accordance with Florida law.

SECTION C. VARIANCE PROCEDURES.

In passing upon such applications, the Town Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;

- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (11) 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, and streets and bridges.

SECTION D. CONDITIONS FOR VARIANCES.

- (1) Variances shall only be issued when there is:
 - a.) A showing of good and sufficient cause;
 - b.) A determination that failure to grant the variance would result in exceptional hardship; and,
 - c.) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of an "historic structure," a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building or preclude its continued designation as an "historic structure".
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (See Article 6, Section E.)
- (4) The Floodplain Management Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (See Section E.)

SECTION E. VARIANCE NOTIFICATION.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation may result in increased premium rates for flood insurance, and;
- (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Management Administrator in the Town and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Town will maintain a record of all variance actions, including justification for their issuance, and report such variances to the Federal Emergency Management Agency.

SECTION F. SPECIAL CONDITIONS.

Upon consideration of the factors listed in Article 6, and the purposes of this Ordinance, the Town may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

Section 4: Severability. If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Section 5: Inclusion in the Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

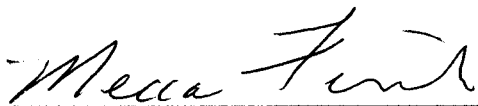
Section 6: Effective Date. This Ordinance shall become effective upon its adoption.

PASSED ON FIRST READING this 9th day of September, 2004 on a motion made by Vice Mayor Knight and seconded by Council Member Maines.

PASSED AND ADOPTED ON SECOND READING this 27th day of September, 2004, on a motion made by Vice Mayor Knight and seconded by Council Member Maines.

Fink	<u>Y</u>
Knight	<u>Y</u>
Blanton	<u>Y</u>
Maines	<u>Y</u>
Nelson	<u>Y</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent or Abstaining	<u>0</u>



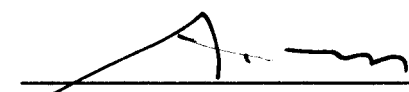
Mecca Fink, Mayor

Attest:



Shari Canada, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney
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