

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 17- FLOODPLAIN MANAGEMENT; PROVIDING CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR SPECIFICATION OF ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida in Chapter 166 - Municipalities, Florida Statutes, confers upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its' citizenry; and

WHEREAS, the Federal Emergency Management Agency (FEMA) released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the City of Margate has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy.

WHEREAS, the City of Margate participates in the National Flood Insurance Program (NFIP) and participates in the NFIP's Community Rating System (CRS), a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements, achieving a CRS rating of Class 7; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better and to satisfy the prerequisite and for community to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas (SFHA) must be elevated

1 such that the lowest floors are at or above at least the base
2 flood elevation plus 1 foot, which necessitates modification of
3 the existing requirements; and
4

5 **WHEREAS**, the City of Margate determined that it is in
6 the public interest to amend its floodplain management
7 regulations to better protect owners and occupants of
8 manufactured homes and to continue participating in the
9 Community Rating System at the current class rating.
10

11 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
12 THE CITY OF MARGATE, FLORIDA:

13 **SECTION 1:** The Code of Ordinances of the City of Margate,
14 Florida, Chapter 17 - Floodplain Management, Section 17-1
15 Administration, is hereby amended, as follows¹:

16 **Sec. 17-1. Administration.**

17 (1) *Title.* These regulations shall be known as the
18 Floodplain Management Ordinance of City of Margate,
19 hereinafter referred to as "this ordinance [chapter]."

20 (2) *Scope.* Unless otherwise specified, ~~t~~The provisions of
21 this chapter shall apply to all development that is wholly
22 within or partially within any flood hazard area,
23 including, but not limited to, the subdivision of land;
24 filling, grading, and other site improvements and utility
25

26 ¹CODING: Words in ~~struck-through~~ text are deletions from existing
27 text; words in underscored text are additions to existing text,
28 and **shaded** text reflect changes between First and Second
29 Readings.

1 installations; construction, alteration, remodeling,
2 enlargement, improvement, replacement, repair, relocation or
3 demolition of buildings, structures, and facilities that are
4 exempt from the Florida Building Code; placement,
5 installation, or replacement of manufactured homes and
6 manufactured buildings; installation or replacement of
7 tanks; placement of recreational vehicles; installation of
8 swimming pools; and any other development.

9 (3) *Intent.* The purposes of this chapter and the flood load
10 and flood resistant construction requirements of the
11 Florida Building Code are to establish minimum
12 requirements to safeguard the public health, safety,
13 and general welfare and to minimize public and private
14 losses due to flooding through regulation of
15 development in flood hazard areas to:

16 (a) Minimize unnecessary disruption of commerce,
17 access and public service during times of
18 flooding;

19 (b) Require the use of appropriate construction
20 practices in order to prevent or minimize future
21 flood damage;

- 1 (c) Manage filling, grading, dredging, mining, paving,
2 excavation, drilling operations, storage of
3 equipment or materials, and other development
4 which may increase flood damage or erosion
5 potential;
- 6 (d) Manage the alteration of flood hazard areas,
7 watercourses, and shorelines to minimize the
8 impact of development on the natural and
9 beneficial functions of the floodplain;
- 10 (e) Minimize damage to public and private facilities
11 and utilities;
- 12 (f) Help maintain a stable tax base by providing for
13 the sound use and development of flood hazard
14 areas;
- 15 (g) Minimize the need for future expenditure of public
16 funds for flood control projects and response to
17 and recovery from flood events; and
- 18 (h) Meet or exceed the requirements of the National
19 Flood Insurance Program for community
20 participation as set forth in the Title 44 Code of
21 Federal Regulations, Section 59.22.

1 (4) *Coordination with the Florida Building Code.* This
2 chapter is intended to be administered and enforced in
3 conjunction with the Florida Building Code. Where
4 cited, ASCE 24 refers to the edition of the standard
5 that is referenced by the Florida Building Code.

6 (5) *Warning.* The degree of flood protection required by
7 this chapter and the Florida Building Code, as amended
8 by the city, is considered the minimum reasonable for
9 regulatory purposes and is based on scientific and
10 engineering considerations. Larger floods can and will
11 occur. Flood heights may be increased by manmade or
12 natural causes. This chapter does not imply that land
13 outside of mapped special flood hazard areas, or that
14 uses permitted within such flood hazard areas, will be
15 free from flooding or flood damage. The flood hazard
16 areas and base flood elevations contained in the flood
17 insurance study and shown on flood insurance rate maps
18 and the requirements of Title 44 Code of Federal
19 Regulations, Sections 59 and 60 may be revised by the
20 Federal Emergency Management Agency, requiring the city
21 to revise these regulations to remain eligible for
22 participation in the National Flood Insurance Program.
23 No guaranty of vested use, existing use, or future use

1 is implied or expressed by compliance with this
2 chapter.

- 3 (6) *Disclaimer of liability.* This chapter shall not create
4 liability on the part of the city commission of City of
5 Margate or by any officer or employee thereof for any
6 flood damage that results from reliance on this chapter
7 or any administrative decision lawfully made
8 thereunder.

9
10 **SECTION 2:** The Code of Ordinances of the City of
11 Margate, Florida, Chapter 17 - Floodplain Management,
12 Section 17-2 - Applicability, is hereby amended, as follows:

13 **Sec. 17-2. Applicability.**

- 14 (1) *General.* Where there is a conflict between a general
15 requirement and a specific requirement, the specific
16 requirement shall be applicable.

- 17 (2) *Areas to which this chapter applies.* This chapter shall
18 apply to all flood hazard areas within the City of
19 Margate, as established in subsection 17-2(3) of this
20 chapter.

- 21 (3) *Basis for establishing flood hazard areas.* The Flood
22 Insurance Study for Broward County, Florida and

1 Incorporated Areas dated August 18, 2014 ~~October 2,~~
2 ~~1997~~, and all subsequent amendments and revisions, and
3 the accompanying flood insurance rate maps (FIRM), and
4 all subsequent amendments and revisions to such maps,
5 are adopted by reference as a part of this chapter and
6 shall serve as the minimum basis for establishing flood
7 hazard areas. Studies and maps that establish flood
8 hazard areas are on file at the City of Margate
9 Department of Environmental and Engineering Services
10 located at 901 NW 66th Avenue, Margate, FL 3302963.

11 (4) *Submission of additional data to establish flood hazard*
12 *areas.* To establish flood hazard areas and base flood
13 elevations, pursuant to section 17-5 of this chapter
14 the Floodplain Aadministrator may require submission
15 of additional data. Where field surveyed topography
16 prepared by a Florida-licensed professional surveyor or
17 digital topography accepted by the community indicates
18 that ground elevations:

19 (a) Are below the closest applicable base flood
20 elevation, even in areas not delineated as a
21 special flood hazard area on a FIRM, the area
22 shall be considered as flood hazard area and
23 subject to the requirements of this chapter and,

1 as applicable, the requirements of the Florida
2 Building Code.

3 (b) Are above the closest applicable base flood
4 elevation, the area shall be regulated as special
5 flood hazard area unless the applicant obtains a
6 letter of map change that removes the area from
7 the special flood hazard area.

8 (5) *Other laws.* The provisions of this chapter shall not be
9 deemed to nullify any provisions of local, state or
10 federal law.

11 (6) *Abrogation and greater restrictions.* This chapter
12 supersedes any ordinance in effect for management of
13 development in flood hazard areas. However, it is not
14 intended to repeal or abrogate any existing ordinances
15 including, but not limited to, land development
16 regulations, zoning ordinances, stormwater management
17 regulations, or the Florida Building Code. In the event
18 of a conflict between this chapter and any other
19 ordinance, the more restrictive shall govern. This
20 chapter shall not impair any deed restriction, covenant
21 or easement, but any land that is subject to such
22 interests shall also be governed by this chapter.

1 (7) *Interpretation.* In the interpretation and application
2 of this chapter, all provisions shall be:

3 (a) Considered as minimum requirements;

4 (b) Liberally construed in favor of the governing
5 body; and

6 (c) Deemed neither to limit nor repeal any other
7 powers granted under state statutes.

8
9 **SECTION 3:** The Code of Ordinances of the City of
10 Margate, Florida, Chapter 17 - Floodplain Management,
11 Section 17-3 - Duties and Powers of the Floodplain
12 Administrator, is hereby amended, as follows:

13 **Sec. 17-3. Duties and powers of the Ffloodplain**
14 **Aadministrator.**

15 (1) *Designation.* The Director of the Department of
16 Environmental and Engineering Services (DEES) is
17 designated as the Ffloodplain Aadministrator. The
18 Ffloodplain Aadministrator may delegate performance of
19 certain duties to other employees.

20 (2) *General.* The Ffloodplain Aadministrator is authorized
21 and directed to administer and enforce the provisions of

1 this chapter. The Ffloodplain Aadministrator shall have the
2 authority to render interpretations of this chapter
3 consistent with the intent and purpose of this chapter and
4 may establish policies and procedures in order to clarify
5 the application of its provisions. Such interpretations,
6 policies, and procedures shall not have the effect of
7 waiving requirements specifically provided in this chapter
8 without the granting of a variance pursuant to section 17-7
9 of this chapter.

10 (3) *Applications and permits.* The Ffloodplain
11 Aadministrator, in coordination with other pertinent offices
12 of the city, shall:

13 (a) Review applications and plans to determine whether
14 proposed new development will be located in flood
15 hazard areas;

16 (b) Review applications for modification of any
17 existing development in flood hazard areas for
18 compliance with the requirements of this chapter;

19 (c) Interpret flood hazard area boundaries where such
20 interpretation is necessary to determine the exact
21 location of boundaries; a person contesting the

determination shall have the opportunity to appeal the interpretation;

(d) Provide available flood elevation and flood hazard information;

(e) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(f) Review applications to determine whether proposed development will be reasonably safe from flooding;

(g) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this chapter is demonstrated, or disapprove the same in the event of noncompliance; and

(h) Coordinate with and provide comments to the Building Official to ensure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this chapter.

1 (4) *Substantial improvement and substantial damage*
2 *determinations.* For applications for building permits
3 to improve buildings and structures, including
4 alterations, movements, enlargements, replacements,
5 repairs, changes of occupancy, additions,
6 rehabilitations, renovations, substantial improvements,
7 repairs of substantial damage, and any other
8 improvements of or work on such buildings and
9 structures, the ~~F~~floodplain ~~A~~administrator, in
10 coordination with the ~~B~~building ~~O~~official, shall:

11 (a) Estimate the market value, or require the
12 applicant to obtain an appraisal of the market value
13 prepared by a qualified independent appraiser, of the
14 building or structure before the start of construction
15 of the proposed work; in the case of repair, the market
16 value of the building or structure shall be the market
17 value before the damage occurred and before any repairs
18 are made;

19 (b) Compare the cost to perform the improvements, the
20 cost to repair a damaged building to its pre-
21 damaged condition, or the combined costs of
22 improvements and repairs, if applicable, to the
23 market value of the building or structure;

1 (c) Determine and document whether the proposed work
2 constitutes substantial improvements or repairs of
3 substantial damage; and

4 (d) Notify the applicant if it is determined that the
5 work constitutes substantial improvements or
6 repairs of substantial damage and that compliance
7 with the flood-resistant construction requirements
8 of the Florida Building Code and this chapter is
9 required.

10 (5) *Modifications of the strict application of the*
11 *requirements of the Florida Building Code.* The ~~F~~Floodplain
12 ~~A~~Addministrator shall review requests submitted to the
13 ~~B~~Building ~~O~~Official that seek approval to modify the strict
14 application of the flood load and flood-resistant
15 construction requirements of the Florida Building Code to
16 determine whether such requests require the granting of a
17 variance pursuant to section 17-7 of this chapter.

18 (6) *Notices and orders.* The ~~F~~Floodplain ~~A~~Addministrator
19 shall coordinate with appropriate local agencies for the
20 issuance of all necessary notices or orders to ensure
21 compliance with this chapter.

1 (7) *Inspections.* ~~The floodplain administrator shall make~~
2 ~~the required inspections as specified in section 17-6 of~~
3 ~~this chapter for~~ For development that is not subject to the
4 Florida Building Code, including buildings, structures, and
5 facilities exempt from the Florida Building Code. ~~The~~
6 ~~floodplain administrator~~ the Floodplain Administrator shall
7 make the required inspections as specified in section 17-6
8 of this chapter. The Floodplain Administrator shall inspect
9 flood hazard areas to determine if development is undertaken
10 without issuance of a permit.

11 (8) *Other duties of the* ~~F~~floodplain ~~A~~administrator. The
12 ~~F~~floodplain ~~A~~administrator shall have other duties,
13 including, but not limited to:

14 (a) Establish, in coordination with the ~~B~~building
15 ~~O~~official, procedures for administering and documenting
16 determinations of substantial improvement and
17 substantial damage made pursuant to subsection (4) of
18 this section;

19 (b) Require that applicants proposing alteration of a
20 watercourse notify, via certified mail, the principal
21 elected official of each adjacent community and the
22 Florida Division of Emergency Management (FDEM), State
23 Floodplain Management Office (SFMO), and submit copies

1 of such notifications to the Federal Emergency
2 Management Agency (FEMA);

3 (c) Require applicants who submit hydrologic ~~or~~
4 hydraulic engineering analyses to support permit
5 applications to submit to FEMA the data and information
6 necessary to maintain the flood insurance rate maps if
7 the analyses propose to change base flood elevations,
8 flood hazard area boundaries, or floodway designations;
9 such submissions shall be made within six (6) months of
10 such data becoming available;

11 (d) Review required design certifications and
12 documentation of elevations specified by this chapter
13 and the Florida Building Code and this chapter to
14 determine that such certifications and documentations
15 are complete; and

16 (e) Notify the Federal Emergency Management Agency
17 when corporate boundaries of City of Margate are
18 modified.

19 (9) *Floodplain management records.* Regardless of any
20 limitation on the period required for retention of public
21 records, the ~~F~~floodplain ~~A~~administrator shall maintain and
22 permanently keep and make available for public inspection

1 all records that are necessary for the administration of
2 this chapter and the flood-resistant construction
3 requirements of the Florida Building Code, including flood
4 insurance rate maps; letters of change; records of issuance
5 of permits and denial of permits; determinations of whether
6 proposed work constitutes substantial improvement or repair
7 of substantial damage; required design certifications and
8 documentation of elevations specified by the Florida
9 Building Code and this chapter; notifications to adjacent
10 communities, FEMA, and the state related to alterations of
11 watercourses; assurances that the flood-carrying capacity of
12 altered watercourses will be maintained; documentation
13 related to appeals and variances, including justification
14 for issuance or denial; and records of enforcement actions
15 taken pursuant to this chapter and the flood-resistant
16 construction requirements of the Florida Building Code.
17 These records shall be available for public inspection at
18 the De~~e~~partment of En~~e~~vironmental and En~~e~~gineering Se~~s~~ervices
19 (DEES) office and can also be requested by following the
20 city's public records request procedures.

21
22 **SECTION 4:** The Code of Ordinances of the City of
23 Margate, Florida, Chapter 17 - Floodplain Management,

1 Section 17-4 - Permits, is hereby amended, as follows:

2 **Sec. 17-4. Permits.**

3 (1) *Permits required.* Any owner or owner's authorized agent
4 (hereinafter "applicant") who intends to undertake any
5 development activity within the scope of this chapter,
6 including buildings, structures, and facilities exempt from
7 the Florida Building Code, which is wholly within or
8 partially within any flood hazard area shall first make
9 application to the ~~F~~floodplain ~~A~~administrator, and the
10 ~~B~~building ~~O~~official, if applicable, and shall obtain the
11 required permit(s) and approval(s). No such permit or
12 approval shall be issued until compliance with the
13 requirements of this chapter and all other applicable codes
14 and regulations has been satisfied.

15 (2) *Floodplain development permits or approvals.* Floodplain
16 development permits or approvals shall be issued pursuant to
17 this chapter for any development activities not subject to
18 the requirements of the Florida Building Code, including
19 buildings, structures, and facilities exempt from the
20 Florida Building Code. Depending on the nature and extent of
21 proposed development that includes a building or structure,
22 the ~~F~~floodplain ~~A~~administrator may determine that a

1 floodplain development permit or approval is required in
2 addition to a building permit.

3 (a) *Buildings, structures, and facilities exempt from*
4 *the Florida Building Code.* Pursuant to the requirements
5 of federal regulations for participation in the
6 National Flood Insurance Program (44 C.F.R. Sections 59
7 and 60), floodplain development permits or approvals
8 shall be required for the following buildings,
9 structures, and facilities that are exempt from the
10 Florida Building Code and any further exemptions
11 provided by law, which are subject to the requirements
12 of this chapter:

13 1. Railroads and ancillary facilities associated
14 with the railroad.

15 2. Nonresidential farm buildings on farms, as
16 provided in F.S. § 604.50.

17 3. Temporary buildings or sheds used exclusively
18 for construction purposes.

19 4. Mobile or modular structures used as
20 temporary offices.

21 5. Those structures or facilities of electric
22 utilities, as defined in F.S. § 366.02, which are

1 directly involved in the generation, transmission,
2 or distribution of electricity.

3 6. Chickees constructed by the Miccosukee Tribe
4 of Indians of Florida or the Seminole Tribe of
5 Florida. As used in this paragraph, the term
6 "chickee" means an open-sided wooden hut that has
7 a thatched roof of palm or palmetto or other
8 traditional materials, and that does not
9 incorporate any electrical, plumbing, or other
10 non-wood features.

11 7. Family mausoleums not exceeding two hundred
12 fifty (250) square feet in area which are
13 prefabricated and assembled on site or
14 preassembled and delivered on site and have walls,
15 roofs, and a floor constructed of granite, marble,
16 or reinforced concrete.

17 8. Temporary housing provided by the department
18 of corrections to any prisoner in the state
19 correctional system.

20 9. Structures identified in F.S. §
21 553.73(10)(k), are not exempt from the Florida
22 Building Code if such structures are located in

1 flood hazard areas established on flood insurance
2 rate maps.

3 (3) *Application for a permit or approval.* To obtain a
4 floodplain development permit or approval the applicant
5 shall first file an application in writing on a form
6 furnished by the city. The information provided shall:

7 (a) Identify and describe the development to be
8 covered by the permit or approval.

9 (b) Describe the land on which the proposed
10 development is to be conducted by legal
11 description, street address or similar description
12 that will readily identify and definitively locate
13 the site.

14 (c) Indicate the use and occupancy for which the
15 proposed development is intended.

16 (d) Be accompanied by a site plan or construction
17 documents as specified in section 17-5 of this
18 chapter.

19 (e) State the valuation of the proposed work.

20 (f) Be signed by the applicant or the applicant's
21 authorized agent.

(g) Give such other data and information as required by the Ffloodplain Aadministrator.

(4) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this chapter shall not be construed to be a permit for, or approval of, any violation of this chapter, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Ffloodplain Aadministrator from requiring the correction of errors or~~and~~ omissions.

(5) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of not more than one hundred eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.

(6) *Suspension or revocation.* The Ffloodplain Aadministrator is authorized to suspend or revoke a

1 floodplain development permit or approval if the permit
2 was issued in error, on the basis of incorrect,
3 inaccurate, or incomplete information, or in violation
4 of this chapter or any other ordinance, regulation, or
5 requirement of this community.

6 (7) *Other permits required.* Floodplain development permits
7 and building permits shall include a condition that all
8 other applicable state or federal permits be obtained prior
9 to issuing a building permit and before commencement of the
10 permitted development. These other state and federal
11 permits may includeing, but not be limited to, the
12 following:

13 (a) The South Florida Water Management
14 District (SFWMD); F.S. § 373.036.

15 (b) Florida Department of Health (FDEP) for onsite
16 sewage treatment and disposal systems; F.S. § 381.0065,
17 and Chapter 64E-6, F.A.C.

18 (c) Florida Department of Environmental Protection for
19 activities subject to the joint coastal permit; F.S. §
20 161.055.

21 (d) Florida Department of Environmental Protection for
22 activities that affect wetlands and alter surface water

1 flows, in conjunction with the U.S. Army Corps of
2 Engineers; Section 404 of the Clean Water Act.

3 (e) Federal permits and approvals.
4

5 **SECTION 5:** The Code of Ordinances of the City of
6 Margate, Florida, Chapter 17 - Floodplain Management,
7 Section 17-5 Site plans and construction documents, is
8 hereby amended, as follows:

9 **Sec. 17-5. Site plans and construction documents.**

10 (1) *Information for development in flood hazard areas.* The
11 site plan or construction documents for any development
12 subject to the requirements of this chapter shall be drawn
13 to scale, signed by a Florida licensed professional
14 architect or engineer and shall include, as applicable to
15 the proposed development:

16 (a) Delineation of flood hazard areas, floodway
17 boundaries and flood zone(s), base flood elevation(s),
18 and ground elevations if necessary for review of the
19 proposed development.

20 (b) Where base flood elevations or floodway data are
21 not included on the Flood Insurance Rate Map (FIRM) or
22 in the flood insurance study, they shall be established

1 in accordance with subsection 17-5(2)(b) or (c) of this
2 chapter.

3 (c) Where the parcel on which the proposed development
4 will take place will have more than fifty (50) lots or
5 is larger than five (5) acres and the base flood
6 elevations are not included on the FIRM or in the flood
7 insurance study, such elevations shall be established
8 in accordance with subsection 17-5(2)(a) of this
9 chapter.

10 (d) Location of the proposed activity and ~~proposed~~
11 structures, and locations of existing buildings and
12 structures.

13 (e) Location, extent, amount, and proposed final
14 grades of any filling, grading, or excavation.

15 (f) Where the placement of fill is proposed, the
16 amount, type, and source of fill material; compaction
17 specifications; a description of the intended purpose
18 of the fill areas; and evidence that the proposed fill
19 areas are the minimum necessary to achieve the intended
20 purpose.

21 (g) Existing and proposed alignment of any proposed
22 alteration of a watercourse.

1
2 The Ffloodplain Aadministrator is authorized to waive the
3 submission of site plans, construction documents, and other
4 data that are required by this chapter ~~but that are not~~
5 ~~required to be prepared by a registered design professional~~
6 if it is found that the nature of the proposed development
7 is such that the review of such submissions is not necessary
8 to ascertain compliance with this chapter.

9 (2) *Information in flood hazard areas without base flood*
10 *elevations (approximate Zone A).* Where flood hazard areas
11 are delineated on the FIRM and base flood elevation data
12 have not been provided, the Ffloodplain Aadministrator
13 shall:

14 (a) Require the applicant to include base flood
15 elevation data prepared in accordance with
16 currently accepted engineering practices.

17 (b) Obtain, review, and provide to applicants base
18 flood elevation and floodway data available from a
19 federal or state agency or other source or require
20 the applicant to obtain and use base flood
21 elevation and floodway data available from a
22 federal or state agency or other source;

1 (c) Where base flood elevation and floodway data are
2 not available from another source, where the
3 available data are deemed by the Ffloodplain
4 Administrator to not reasonably reflect flooding
5 conditions, or where the available data are known
6 to be scientifically or technically incorrect or
7 otherwise inadequate:

8 1. Require the applicant to include base flood
9 elevation data prepared in accordance with
10 currently accepted engineering practices; or

11 2. Specify that the base flood elevation is two
12 (2) feet above the highest adjacent grade at
13 the location of the development, provided
14 there is no evidence indicating flood depths
15 have been or may be greater than two (2)
16 feet.

17 (d) Where the base flood elevation data are to be used
18 to support a letter of map change from FEMA, advise the
19 applicant that the analyses shall be prepared by a
20 Florida licensed engineer in a format required by FEMA,
21 and that it shall be the responsibility of the
22 applicant to satisfy the submittal requirements and pay
23 the processing fees.

1 (3) *Additional analyses and certifications.* As applicable
2 to the location and nature of the proposed development
3 activity, and in addition to the requirements of this
4 section, the applicant shall have the following
5 analyses signed and sealed by a Florida licensed
6 engineer for submission with the site plan and
7 construction documents:

8 (a) For development activities proposed to be located
9 in a regulatory floodway, a floodway encroachment
10 analysis that demonstrates that the encroachment
11 of the proposed development will not cause any
12 increase in base flood elevations; where the
13 applicant proposes to undertake development
14 activities that do increase base flood elevations,
15 the applicant shall submit such analysis to FEMA
16 as specified in subsection 17-5(4) of this chapter
17 and shall submit the conditional letter of map
18 revision, if issued by FEMA, with the site plan
19 and construction documents.

20 (b) For development activities proposed to be located
21 in a riverine flood hazard area for which base
22 flood elevations are included in the flood
23 insurance study or on the FIRM and floodways have

1 not been designated, hydrologic and hydraulic
2 analyses that demonstrate that the cumulative
3 effect of the proposed development, when combined
4 with all other existing and anticipated flood
5 hazard area encroachments, will not increase the
6 base flood elevation more than one (1) foot at any
7 point within the city. This requirement does not
8 apply in isolated flood hazard areas not connected
9 to a riverine flood hazard area or in flood hazard
10 areas identified as Zone AO or Zone AH.

11 (c) For alteration of a watercourse, the applicant
12 shall have an engineering analysis, prepared in
13 accordance with standard engineering practices and
14 signed and sealed by a Florida licensed
15 professional engineer, which demonstrates that the
16 flood-carrying capacity of the altered or
17 relocated portion of the watercourse will not be
18 decreased, and certification that the altered
19 watercourse shall be maintained in a manner which
20 preserves the channel's flood-carrying capacity;
21 the applicant shall submit the analysis to FEMA as
22 specified in subsection 17-5(4) of this chapter.

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

SECTION 6: The Code of Ordinances of the City of Margate, Florida, Chapter 17 - Floodplain Management, Section 17-6 Inspections, is hereby amended, as follows:

(1) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.

(a) *Development other than buildings and structures.*

The ~~F~~floodplain ~~A~~administrator or his designee shall inspect all development to determine

1 compliance with the requirements of this chapter
2 and the conditions of issued floodplain
3 development permits or approvals.

4 (b) *Buildings, structures, and facilities exempt from*
5 *the Florida Building Code. The Ffloodplain*
6 *Aadministrator shall inspect buildings,*
7 *structures, and facilities exempt from the Florida*
8 *Building Code to determine compliance with the*
9 *requirements of this chapter and the conditions of*
10 *issued floodplain development permits or*
11 *approvals.*

12 1. *Buildings, structures, and facilities exempt*
13 *from the Florida Building Code, lowest floor*
14 *inspection. Upon placement of the lowest floor,*
15 *including basement, and prior to further vertical*
16 *construction, the owner of a building, structure,*
17 *or facility exempt from the Florida Building Code,*
18 *or the owner's authorized agent, shall submit to*
19 *the Ffloodplain Aadministrator:*

20 a. If a design flood elevation was used to
21 determine the required elevation of the
22 lowest floor, the certification of elevation

1 of the lowest floor prepared and sealed by a
2 Florida licensed professional surveyor; or

3 b. If the elevation used to determine the
4 required elevation of the lowest floor was
5 determined in accordance with subsection 17-
6 5(2)(c)2. of this chapter, the documentation
7 of height of the lowest floor above highest
8 adjacent grade, prepared by the owner or the
9 owner's authorized agent, in a form that is
10 acceptable to the Floodplain Administrator.

11 2. *Buildings, structures, and facilities exempt*
12 *from the Florida Building Code, final inspection.*

13 As part of the final inspection, the owner or
14 owner's authorized agent shall submit to the
15 ~~F~~floodplain ~~A~~administrator a final certification
16 of elevation of the lowest floor or final
17 documentation of the height of the lowest floor
18 above the highest adjacent grade; such
19 certifications and documentations shall be
20 prepared as specified in subsection 17-6(1)(b)1.
21 of this chapter.

22 (c) *Manufactured homes.* The ~~B~~building ~~O~~fficial shall
23 inspect manufactured homes that are installed or

1 replaced in flood hazard areas to determine
2 compliance with the requirements of this chapter
3 and the conditions of the issued permit. Upon
4 placement of a manufactured home, certification of
5 the elevation of the lowest floor shall be
6 submitted to the Building Official.
7 Subsequently, the Building Official or designee
8 shall forward copies of the elevation certificates
9 to the Floodplain Addministrator.

10 **SECTION 7:** The Code of Ordinances of the City of
11 Margate, Florida, Chapter 17 - Floodplain Management,
12 Section 17-7 Variances and appeals, is hereby amended, as
13 follows:

14 **Sec. 17-7. Variances and appeals.**

15 (1) *General.* The Floodplain Administrative Committee,
16 composed of at least three senior professional staff
17 appointed by the City Manager, ~~City of Margate Board of~~
18 ~~Adjustment (BOA)~~ shall hear and decide on requests for
19 appeals and requests for variances from the strict
20 application of this chapter. Pursuant to F.S. §
21 553.73(5), the Floodplain Administrative Committee~~BOA~~
22 shall hear and decide on requests for appeals and

1 requests for variances from the strict application of
2 the flood-resistant construction requirements of the
3 Florida Building Code.

4 (2) *Appeals.* The Floodplain Administrative Committee~~BOA~~
5 shall hear and decide appeals when it is alleged there
6 is an error in any requirement, decision, or
7 determination made by the ~~F~~floodplain ~~A~~administrator in
8 the administration and enforcement of this chapter. Any
9 person aggrieved by the decision of the Floodplain
10 Administrative Committee~~BOA~~ may appeal such decision to
11 the City of Margate City Commission and subsequently to
12 the Circuit Court, as provided by Florida Statutes.

13 (3) *Limitations on authority to grant variances.* The
14 Floodplain Administrative Committee~~BOA~~ shall base its
15 decisions on variances on technical justifications
16 submitted by applicants, the considerations for
17 issuance in subsection 17-7(6) of this chapter, the
18 conditions of issuance set forth in subsection 17-7(7)
19 of this chapter, and the comments and recommendations
20 of the ~~F~~floodplain ~~A~~administrator and the ~~B~~building
21 ~~O~~fficial. The Floodplain Administrative Committee~~BOA~~
22 has the right to attach such conditions as it deems

1 necessary to further the purposes and objectives of
2 this chapter.

3 (a) *Restrictions in floodways.* A variance shall not be
4 issued for any proposed development in a floodway
5 if any increase in base flood elevations would
6 result, as evidenced by the applicable analyses
7 and certifications required in subsection 17-5(3)
8 of this chapter.

9 (4) *Historic buildings.* A variance is authorized to be
10 issued for the repair, improvement, or rehabilitation
11 of a historic building that is determined eligible for
12 the exception to the flood-resistant construction
13 requirements of the Florida Building Code, Existing
14 Building, Chapter 11 Historic Buildings, upon a
15 determination that the proposed repair, improvement, or
16 rehabilitation will not preclude the building's
17 continued designation as a historic building and the
18 variance is the minimum necessary to preserve the
19 historic character and design of the building. If the
20 proposed work precludes the building's continued
21 designation as a historic building, a variance shall
22 not be granted and the building and any repair,

1 improvement, and rehabilitation shall be subject to the
2 requirements of the Florida Building Code.

3 (5) *Functionally dependent uses.* A variance is authorized
4 to be issued for the construction or substantial
5 improvement necessary for the conduct of a functionally
6 dependent use, as defined in this chapter, provided the
7 variance meets the requirements of subsection 17-
8 7(3)(a) is the minimum necessary, considering the flood
9 hazard, and all due consideration has been given to use
10 of methods and materials that minimize flood damage
11 during occurrence of the base flood.

12 (6) *Considerations for issuance of variances.* In reviewing
13 requests for variances, the ~~BOA~~ Floodplain
14 Administrative Committee shall consider all technical
15 evaluations, all relevant factors, all other applicable
16 provisions of the Florida Building Code, this chapter,
17 and the following:

18 (a) The danger that materials and debris may be swept
19 onto other lands resulting in further injury or
20 damage;

21 (b) The danger to life and property due to flooding or
22 erosion damage;

- 1 (c) The susceptibility of the proposed development,
2 including contents, to flood damage and the effect
3 of such damage on current and future owners;
- 4 (d) The importance of the services provided by the
5 proposed development to the community;
- 6 (e) The availability of alternate locations for the
7 proposed development that are subject to lower
8 risk of flooding or erosion;
- 9 (f) The compatibility of the proposed development with
10 existing and anticipated development;
- 11 (g) The relationship of the proposed development to
12 the comprehensive plan and floodplain management
13 program for the area;
- 14 (h) The safety of access to the property in times of
15 flooding for ordinary and emergency vehicles;
- 16 (i) The expected heights, velocityies, durations,
17 rates of rise, and debris and sediment transport
18 of the floodwaters and the effects of wave action,
19 if applicable, expected at the site; and
- 20 (j) The costs of providing governmental services
21 during and after flood conditions including
22 maintenance and repair of public utilities and

1 facilities such as sewer, gas, electrical, and
2 water systems; streets; and bridges.

3 (7) *Conditions for issuance of variances.* Variances shall
4 be issued only upon:

5 (a) Submission by the applicant, of a showing of good
6 and sufficient cause that the unique
7 characteristics of the size, configuration, or
8 topography of the site limits compliance with any
9 provision of this chapter or the required
10 elevation standards;

11 (b) Determination by the ~~BOA~~ Floodplain Administrative
12 Committee that:

13 1. Failure to grant the variance would result in
14 exceptional hardship due to the physical
15 characteristics of the land that render the
16 lot undevelopable; increased costs to satisfy
17 the requirements or inconvenience do not
18 constitute hardship;

19 2. The granting of a variance will not result in
20 increased flood heights, additional threats
21 to public safety, or extraordinary public
22 expense; nor would it create nuisances,

1 cause fraud on or victimization of the
2 public, or conflict with existing local laws
3 and ordinances; and

4 3. The variance is the minimum necessary,
5 considering the flood hazard, to afford
6 relief;

7 (c) Receipt of a signed statement by the applicant
8 that the variance, if granted, shall be recorded
9 in the office of the clerk of the court in such a
10 manner that it appears in the chain of title of
11 the affected parcel of land; and

12 (d) If the request is for a variance to allow
13 construction of the lowest floor of a new
14 building, or substantial improvement of a
15 building, below the required elevation, a copy in
16 the record of a written notice from the
17 Floodplain Administrator to the applicant for
18 the variance, specifying the difference between
19 the base flood elevation and the proposed
20 elevation of the lowest floor, stating that the
21 cost of federal flood insurance will be
22 commensurate with the increased risk resulting
23 from the reduced floor elevation (up to amounts as

1 high as twenty-five dollars (\$25.00) for one
2 hundred dollars (\$100.00) of insurance coverage),
3 and stating that construction below the base flood
4 elevation increases risks to life and property.

5
6 **SECTION 8:** The Code of Ordinances of the City of
7 Margate, Florida, Chapter 17 - Floodplain Management,
8 Section 17-8 Violations, is hereby amended, as follows:

9 **Sec. 17-8. Violations.**

10 (1) *Violations.* Any development that is not within the
11 scope of the Florida Building Code but that is regulated by
12 this chapter that is performed without an issued permit,
13 that is in conflict with an issued permit, or that does not
14 fully comply with this chapter, shall be deemed a violation
15 of this chapter. A building or structure without the
16 documentation of elevation of the lowest floor, other
17 required design certifications, or other evidence of
18 compliance required by this chapter or the Florida Building
19 Code is presumed to be a violation until such time as that
20 documentation is provided.

21 (2) *Authority.* For development that is not within the scope
22 of the Florida Building Code but that is regulated by this

chapter and that is determined to be a violation, the
Floodplain Administrator is authorized to serve notices of
violation or stop work orders to owners of the property
involved, to the owner's agent, or to the person or persons
performing the work. The property owners, or their agents,
shall be required to take corrective action within 10
business days of receipt of the notice of violation or stop
work order.

(3) *Unlawful continuance.* Any person who shall continue any
work after having been served with a notice of
violation or a stop work order, except such work as
that person is directed to perform to remove or remedy
a violation or unsafe condition, shall be subject to
penalties as prescribed by law.

SECTION 9: The Code of Ordinances of the City of
Margate, Florida, Chapter 17 - Floodplain Management,
Section 17-9 Definitions, is hereby amended, as follows:

Sec. 17-9. Definitions.

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

1 *Terms defined in the Florida Building Code.* Where terms are
2 not defined in this chapter and are defined in the Florida
3 Building Code, such terms shall have the meanings ascribed
4 to them in that code.

5 *Terms not defined.* Where terms are not defined in this
6 chapter or the Florida Building Code, such terms shall have
7 ordinarily accepted meanings such as the context implies.

8 *Accessory structure.* A structure on the same parcel of
9 property as a principal structure and the use of which is
10 incidental to the use of the principal structure. For
11 floodplain management purposes, the term includes only
12 accessory structures used for parking and storage.

13 *Alteration of a watercourse.* A dam, impoundment, channel
14 relocation, change in channel alignment, channelization, or
15 change in cross-sectional area of the channel or the channel
16 capacity, or any other form of modification which may alter,
17 impede, retard, or change the direction and/or velocity of
18 the riverine flow of water during conditions of the base
19 flood.

20 *Appeal.* A request for a review of the ~~F~~floodplain
21 Aadministrator's interpretation of any provision of this
22 chapter or a request for a variance.

1 ASCE 24. A standard titled Flood Resistant Design and
2 Construction that is referenced by the Florida Building
3 Code. ASCE 24 is developed and published by the American
4 Society of Civil Engineers (ASCE), Reston, VA.

5 *Base flood.* A flood having a one-percent chance of being
6 equaled or exceeded in any given year. [Also defined in FBC,
7 ~~B~~ Building, Section 1612.2.] The base flood is commonly
8 referred to as the "100-year flood" or the "1-percent-annual
9 chance flood."

10 *Base flood elevation.* The elevation of the base flood,
11 including wave height, relative to the National Geodetic
12 Vertical Datum (NGVD), North American Vertical Datum (NAVD)
13 or other datum specified on the flood insurance rate map
14 (FIRM). [Also defined in FBC, ~~B~~ Building, Section 1612.2.]

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

18 *Design flood.* The flood associated with the greater of the
19 following two (2) areas: [Also defined in FBC, ~~B~~ Building,
20 Section 1612.2.]

- 21 (1) Area with a floodplain subject to a one-percent or
22 greater chance of flooding in any year; or

1 (2) Area designated as a flood hazard area on the
2 community's flood hazard map, or otherwise legally
3 designated.

4 *Design flood elevation.* The elevation of the "design flood,"
5 including wave height, relative to the datum specified on
6 the community's legally designated flood hazard map. In
7 areas designated as Zone AO, the design flood elevation
8 shall be the elevation of the highest existing grade of the
9 building's perimeter plus the depth number (in feet)
10 specified on the flood hazard map. In areas designated as
11 Zone AO where the depth number is not specified on the map,
12 the depth number shall be taken as being equal to two (2)
13 feet. [Also defined in FBC, B Building, Section 1612.2.]

14 *Development.* Any manmade change to improved or unimproved
15 real estate, including, but not limited to, buildings or
16 other structures, tanks, temporary structures, temporary or
17 permanent storage of equipment or materials, mining,
18 dredging, filling, grading, paving, excavations, drilling
19 operations or any other land-disturbing activities.

20 *Encroachment.* The placement of fill, excavation, buildings,
21 permanent structures or other development into a flood

1 hazard area which may impede or alter the flow capacity of
2 riverine flood hazard areas.

3 *Existing building and existing structure.* Any buildings and
4 structures for which the "start of construction" commenced
5 before July 20, 1977, i.e., prior to the adoption of the
6 initial flood control ordinance by the city. [Also defined
7 in FBC, ~~B~~ Building, Section 1612.2.]

8 ~~*Existing manufactured home park or subdivision.* A~~
9 ~~manufactured home park or subdivision for which the~~
10 ~~construction of facilities for servicing the lots on which~~
11 ~~the manufactured homes are to be affixed (including, at a~~
12 ~~minimum, the installation of utilities, the construction of~~
13 ~~streets, and either final site grading or the pouring of~~
14 ~~concrete pads) is completed before July 20, 1977, i.e.,~~
15 ~~prior to the adoption of the initial flood control ordinance~~
16 ~~by the city.~~

17 ~~*Expansion to an existing manufactured home park or*~~
18 ~~*subdivision.* The preparation of additional sites by the~~
19 ~~construction of facilities for servicing the lots on which~~
20 ~~the manufactured homes are to be affixed (including the~~
21 ~~installation of utilities, the construction of streets, and~~
22 ~~either final site grading or the pouring of concrete pads).~~

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

4 *Flood or flooding*. A general and temporary condition of
5 partial or complete inundation of normally dry land ~~from~~
6 caused by: [Also defined in FBC, ~~B~~ Building, Section
7 1612.2.]

8 (1) The overflow of inland or tidal waters.

9 (2) The unusual and rapid accumulation or runoff of
10 surface waters from any source.

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

16 *Flood hazard area*. The greater of the following two (2)
17 areas: [Also defined in FBC, ~~B~~ Building, Section 1612.2.]

18 (1) The area within a floodplain subject to a one-
19 percent or greater chance of flooding in any year.

1 (2) The area designated as a flood hazard area on the
2 community's flood hazard map, or otherwise legally
3 designated.

4 *Flood insurance rate map (FIRM).* The official map of the
5 community on which the Federal Emergency Management Agency
6 has delineated both special flood hazard areas and the risk
7 premium zones applicable to the community. [Also defined in
8 FBC, ~~B~~ Building, Section 1612.2.]

9 *Flood insurance study (FIS).* The official report provided by
10 the Federal Emergency Management Agency (FEMA) that contains
11 the flood insurance rate map (FIRM), the flood boundary and
12 floodway map (if applicable), the water surface elevations
13 of the base flood, and supporting technical data. [Also
14 defined in FBC, ~~B~~ Building, Section 1612.2.]

15 *Floodplain ~~A~~administrator.* The office or position designated
16 and charged with the administration and enforcement of this
17 chapter (may be referred to as the Ffloodplain Manager).

18 *Floodplain development permit or approval.* An official
19 document or certificate issued by the community, or other
20 evidence of approval or concurrence, which authorizes
21 performance of specific development activities that are

1 located in flood hazard areas and that are determined to be
2 compliant with this chapter.

3 *Floodway.* The channel of a river or other riverine
4 watercourse and the adjacent land areas that must be
5 reserved in order to discharge the base flood without
6 cumulatively increasing the water surface elevation more
7 than one (1) foot. [Also defined in FBC, ~~B~~ Building, Section
8 1612.2.]

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

15 *Florida Building Code.* The family of codes adopted by the
16 Florida Building Commission, including: Florida Building
17 Code, Building; Florida Building Code, Residential; Florida
18 Building Code, Existing Building; Florida Building Code,
19 Mechanical; Florida Building Code, Plumbing; Florida
20 Building Code, Fuel Gas.

21 *Functionally dependent use.* A use which cannot perform its
22 intended purpose unless it is located or carried out in

1 close proximity to water, including only docking facilities,
2 port facilities that are necessary for the loading and
3 unloading of cargo or passengers, and ship building and ship
4 repair facilities; the term does not include long-term
5 storage or related manufacturing facilities.

6 Hardship as related to variances from this chapter shall
7 mean the exceptional difficulty associated with the land
8 that would result from a failure to grant the requested
9 variance. The City of Margate requires that the variance is
10 exceptional, unusual, and peculiar to the property involved.
11 Mere economic or financial handicaps, personal preferences,
12 or the disapproval of one's neighbors likewise cannot, as a
13 rule, qualify as an exceptional hardship. All of these
14 problems can be resolved through other means without
15 granting a variance, even if the alternative is more
16 expensive, or requires the property owner to build elsewhere
17 or put the parcel to a different use than originally
18 intended.

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

1 *Historic structure.* Any structure that is determined
2 eligible for the exception to the flood hazard area
3 requirements of the Florida Building Code, Existing
4 Building, Chapter 11 Historic Buildings.

5 *Letter of map change (LOMC).* An official determination
6 issued by FEMA that amends or revises an effective flood
7 insurance rate map or flood insurance study. Letters of map
8 change include:

9 *Letter of map amendment (LOMA):* An amendment based on
10 technical data showing that a property was incorrectly
11 included in a designated special flood hazard area. A LOMA
12 amends the current effective flood insurance rate map and
13 establishes that a specific property, portion of a property,
14 or structure is not located in a special flood hazard area.

15 *Letter of map revision (LOMR):* A revision based on technical
16 data that may show changes to flood zones, flood elevations,
17 special flood hazard area boundaries and floodway
18 delineations, and other planimetric features.

19 *Letter of map revision based on fill (LOMR-F):* A
20 determination that a structure or parcel of land has been
21 elevated by fill above the base flood elevation and is,
22 therefore, no longer located within the special flood hazard

1 area. In order to qualify for this determination, the fill
2 must have been permitted and placed in accordance with the
3 community's floodplain management regulations.

4 *Conditional letter of map revision (CLOMR):* A formal review
5 and comment as to whether a proposed flood protection
6 project or other project complies with the minimum NFIP
7 requirements for such projects with respect to delineation
8 of special flood hazard areas. A CLOMR does not revise the
9 effective flood insurance rate map (FIRM) or flood insurance
10 study (FIS); upon submission and approval of certified as-
11 built documentation, a letter of map revision may be issued
12 by FEMA to revise the effective FIRM.

13 *Light-duty truck.* As defined in 40 C.F.R. 86.082-2, any
14 motor vehicle rated at eight thousand five hundred (8,500)
15 pounds Gross Vehicular Weight Rating or less which has a
16 vehicular curb weight of six thousand (6,000) pounds or less
17 and which has a basic vehicle frontal area of forty-five
18 (45) square feet or less, which is:

19 (1) Designed primarily for purposes of transportation
20 of property or is a derivation of such a vehicle; or

21 (2) Designed primarily for transportation of persons
22 and has a capacity of more than twelve (12) persons; or

1 (3) Available with special features enabling off-
2 street or off-highway operation and use.

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

11 *Manufactured home.* A structure, transportable in one (1) or
12 more sections, which is eight (8) feet or more in width and
13 greater than four hundred (400) square feet, and which is
14 built on a permanent, integral chassis and is designed for
15 use with or without a permanent foundation when attached to
16 the required utilities. The term "manufactured home" does
17 not include a "recreational vehicle" or "park trailer."
18 [Also defined in 15C-1.0101, F.A.C.]

19 *Manufactured home park or subdivision.* A parcel (or
20 contiguous parcels) of land divided into two (2) or more
21 manufactured home lots for rent or sale.

1 ~~Market value. The price at which a property will change~~
2 ~~hands between a willing buyer and a willing seller, neither~~
3 ~~party being under compulsion to buy or sell and both having~~
4 ~~reasonable knowledge of relevant facts. As used in this~~
5 ~~chapter, the term refers to the market~~ The value of
6 buildings and structures, excluding the land and other
7 improvements on the parcel. Market value ~~may be established~~
8 ~~by a qualified independent appraiser,~~ is the actual cash
9 value (like-kind replacement cost depreciated for age, wear
10 and tear, neglect, and quality of construction) determined
11 by a qualified independent appraiser and prepared within six
12 months of submission of the application, or tax assessment
13 value adjusted to approximate market value by a factor
14 provided by the property appraiser.

15 *New construction.* For the purposes of administration of this
16 chapter and the flood-resistant construction requirements of
17 the Florida Building Code, structures for which the "start
18 of construction" commenced on or after July 20, 1977, i.e.,
19 after the adoption of the initial flood control ordinance by
20 the city and includes any subsequent improvements to such
21 structures.

22 ~~*New manufactured home park or subdivision.* A manufactured~~
23 ~~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 July 20, 1977, i.e., after the adoption of the initial flood control ordinance by the city.~~

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 F.S. § 320.01]

Recreational vehicle. A vehicle, including a park trailer, which is: [See F.S. § 320.01]

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

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

6 *Start of construction*. The date of issuance of permits for
7 new construction and substantial improvements to existing
8 structures, provided the actual start of construction,
9 repair, reconstruction, rehabilitation, addition, placement,
10 or other improvement is within one hundred eighty (180) days
11 of the date of the issuance of permits. The actual start of
12 construction means either the first placement of permanent
13 construction of a building (including a manufactured home)
14 on a site, such as the pouring of slab or footings, the
15 installation of piles, the construction of columns.
16 Permanent construction does not include land preparation
17 (such as clearing, grading, or filling), the installation of
18 streets or walkways, excavation for a basement, footings,
19 piers, or foundations, the erection of temporary forms or
20 the installation of accessory buildings such as garages or
21 sheds not occupied as dwelling units or not part of the main
22 buildings. For a substantial improvement, the actual "start
23 of construction" means the first alteration of any wall,

1 ceiling, floor or other structural part of a building,
2 whether or not that alteration affects the external
3 dimensions of the building. [Also defined in FBC, ~~B~~
4 Building, Section 1612.2.]

5 *Substantial damage.* Damage of any origin sustained by a
6 building or structure whereby the cost of restoring the
7 building or structure to its before-damaged condition would
8 equal or exceed fifty (50) percent of the market value of
9 the building or structure before the damage occurred. [Also
10 defined in FBC, ~~B~~ Building, Section 1612.2.]

11 *Substantial improvement.* Any combination of repair,
12 reconstruction, rehabilitation, addition, or other
13 improvement of a building or structure, the combined cost of
14 which equals or exceeds fifty (50) percent of the market
15 value of the building or structure before the improvement or
16 repair is started. If the structure has incurred substantial
17 damage, any repairs are considered substantial improvement
18 regardless of the actual repair work performed. The term
19 does not, however, include either: [Also defined in FBC, ~~B~~
20 Building, Section 1612.2.]

21 (1) Any project for improvement of a building required
22 to correct existing health, sanitary, or safety code

1 violations identified by the Building Official prior
2 to the application for permit improvements or repairs
3 and that are the minimum necessary to assure safe
4 living conditions.

5 (2) Any alteration of a historic structure provided
6 the alteration will not preclude the structure's
7 continued designation as a historic structure.

8 *Variance.* A grant of relief from the requirements of this
9 chapter, or the flood resistant construction requirements of
10 the Florida Building Code, which permits construction in a
11 manner that would not otherwise be permitted by this chapter
12 or the Florida Building Code.

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

16 **SECTION 10:** The Code of Ordinances of the City of
17 Margate, Florida, Chapter 17 - Floodplain Management,
18 Section 17-10 Flood Resistant Development, is hereby
19 amended, as follows:

20 **Sec. 17-10. Flood-resistant development.**

21 (1) *Buildings and structures.* Design and construction of
22 buildings, structures, and facilities exempt from the

1 Florida Building Code. Pursuant to subsection 17-
2 4(2)(a) of this chapter, buildings, structures, and
3 facilities that are exempt from the Florida Building
4 Code, including substantial improvement or repair of
5 substantial damage of such buildings, structures, and
6 facilities, shall be designed and constructed in
7 accordance with the flood load and flood-resistant
8 construction requirements of ASCE 24. Structures exempt
9 from the Florida Building Code that are not walled and
10 roofed buildings shall comply with the requirements of
11 section 17-16 of this chapter.

12 (2) The basic requirements for minimum elevations in all
13 areas of the City of Margate, including zones AH, AO,
14 AE and X, are hereby established as follows:

15 (a) Single-family and duplex residential structures
16 must be constructed so that the lowest floor is
17 located no lower than the minimum finished floor
18 elevation permitted by the South Florida Water
19 Management District (SFWMD) and at least eighteen
20 (18) inches above the highest crown of the street
21 or road abutting the structure, or in accordance
22 with the Florida Building Code. Whichever

1 measurement results in a higher elevation shall be
2 applicable.

3 (b) For any structures other than single-family and
4 duplex residential, where the highest crown of the
5 abutting road is at or above the minimum finished
6 floor elevation permitted by the SFWMD, the lowest
7 floor shall be no lower than the SFWMD permitted
8 elevation or the Florida Building code provided a
9 positive drainage system shall be constructed
10 meeting the approval of the city engineer.
11 Whichever measurement results in a higher
12 elevation shall be applicable.

13 (c) For any structures other than single-family and
14 duplex residential, where the crown of the
15 abutting road is below the minimum finished floor
16 elevation permitted by the SFWMD, the lowest floor
17 shall be no lower than the SFWMD permitted
18 elevation and at least six (6) inches above the
19 highest crown of the abutting road or in
20 accordance with Florida Building code. Whichever
21 measurement results in a higher finished floor
22 elevation shall be applicable.

1 (d) For any structure that abuts a road or roads, the
2 highest elevation of any abutting road applies to
3 the project. In cases of roads with an inverted
4 crown, the highest elevation of the abutting road
5 applies.

6 (e) Elevation of the minimum finished floor permitted
7 by the SFWMD or in accordance with the Florida
8 Building code shall be furnished with each
9 application for approval of any subdivision plat
10 and site development plans reviewed by the
11 development review committee.

12 (3) Accessory structures. Accessory structures are
13 permitted below the base flood elevation provided the
14 accessory structures are used only for parking or storage
15 and:

16 (a) Are one-story and not larger than 600 sq. ft.

17 (b) Have flood openings in accordance with Section
18 R322.2 of the Florida Building Code, Residential.

19 (c) Are anchored to resist flotation, collapse, or
20 lateral movement resulting from flood loads.

1 (d) Have flood damage-resistant materials used below
2 the base flood elevation plus one (1) foot.

3 (e) Have mechanical, plumbing, and electrical systems,
4 including plumbing fixtures, elevated to or above the
5 base flood elevation plus one (1) foot.

6
7 **SECTION 11:** The Code of Ordinances of the City of
8 Margate, Florida, Chapter 17 - Floodplain Management,
9 Section 17-11 Subdivisions, is hereby amended, as follows:

10 **Sec. 17-11. Subdivisions.**

11 (1) *Minimum requirements.* Subdivision proposals, including
12 proposals for manufactured home parks and subdivisions,
13 shall be reviewed to determine that:

14 (a) Such proposals are consistent with the need to
15 minimize flood damage and will be reasonably safe from
16 flooding;

17 (b) All public utilities and facilities such as sewer,
18 gas, electric, communications, and water systems are
19 located and constructed to minimize or eliminate flood
20 damage; and

1 (c) Adequate drainage is provided to reduce exposure
2 hazards; in Zones AH, AE, X, Shaded X and AO, adequate
3 drainage paths provided to guide floodwaters around and
4 away from structures.

5 (2) *Subdivision plats.* Where any portion of proposed
6 subdivisions, including manufactured home parks and
7 subdivisions, lies within a flood hazard area, the following
8 shall be required:

9 (a1) Delineation of flood hazard areas, floodway
10 boundaries and flood zones, and design flood
11 elevations, as appropriate, shall be shown on
12 preliminary plats;

13 (b2) Where the subdivision has more than fifty (50)
14 lots or is larger than five (5) acres and base flood
15 elevations are not included on the FIRM, the base flood
16 elevations determined in accordance with subsection 17-
17 5(2) (a) of this chapter; and

18 (c3) Compliance with the site improvement and utilities
19 requirements of section 17-12 of this chapter.

20 **SECTION 12:** The Code of Ordinances of the City of
21 Margate, Florida, Chapter 17 - Floodplain Management,
22 Section 17-12 Site improvements, utilities and limitations,

is hereby amended, as follows:

Sec. 17-12. Site improvements, utilities and limitations.

(1) *Minimum requirements.* All proposed new development shall be reviewed to determine that:

(a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(c) Adequate drainage is provided to reduce exposure hazards; in Zones AH, AE, X, Shaded X and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(2) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of

1 floodwaters into the facilities and discharge from the
2 facilities into floodwaters, and impairment of the
3 facilities and systems.

4 (3) *Water supply facilities.* All new and replacement water
5 supply facilities shall be designed in accordance with the
6 water well construction standards in Chapter 62-532.500,
7 F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate
8 infiltration of floodwaters into the systems.

9 (4) *Limitations on sites in regulatory floodways.* No
10 development, including, but not limited to, site
11 improvements, and land-disturbing activity involving fill or
12 regrading, shall be authorized in the regulatory floodway
13 unless the floodway encroachment analysis required in
14 subsection 17-5(3)(a) of this chapter demonstrates that the
15 proposed development or land-disturbing activity will not
16 result in any increase in the base flood elevation.

17 (5) *Limitations on placement of fill.* Subject to the
18 limitations of this chapter, fill shall be designed to be
19 stable under conditions of flooding including rapid rise and
20 rapid drawdown of floodwaters, prolonged inundation, and
21 protection against flood-related erosion and scour. In
22 addition to these requirements, if intended to support

1 buildings and structures (Zone A only), fill shall comply
2 with the requirements of the Florida Building Code.

3 **SECTION 13:** The Code of Ordinances of the City of
4 Margate, Florida, Chapter 17 - Floodplain Management,
5 Section 17-13 Manufactured homes, is hereby amended, as
6 follows:

7 **Sec. 17-13. Manufactured homes.**

8 (1) *General.* All manufactured homes installed in flood
9 hazard areas shall be installed by an installer ~~that~~ who is
10 licensed pursuant to F.S. § 320.8249, and shall comply with
11 the requirements of Chapter 15C-1, F.A.C. and the
12 requirements of this chapter.

13 (2) *Foundations.* All new manufactured homes and replacement
14 manufactured homes installed in flood hazard areas shall be
15 installed on permanent, reinforced foundations that are
16 designed in accordance with the foundation requirements of
17 the Florida Building Code Residential Section R322.2 and
18 this chapter.

19 (3) *Anchoring.* All new manufactured homes and replacement
20 manufactured homes shall be installed using methods and
21 practices which minimize flood damage and shall be securely
22 anchored to an adequately anchored foundation system to

1 resist flotation, collapse, or lateral movement. Methods of
2 anchoring include, but are not limited to, use of over-the-
3 top or frame ties to ground anchors. This anchoring
4 requirement is in addition to applicable state and local
5 anchoring requirements for wind resistance.

6 (4) *Elevation.* All manufactured homes that are placed,
7 replaced, or substantially improved in flood hazard
8 areas shall be elevated such that the bottom of the frame is
9 at or above the elevation required, as applicable to the
10 flood hazard area, in the Florida Building Code,
11 Residential Section R322.2 (Zone A). ~~Manufactured homes that~~
12 ~~are placed, replaced, or substantially improved shall comply~~
13 ~~with subsection 17-13(4)(a) or 17-13(4)(b) of this chapter,~~
14 ~~as applicable.~~

15 ~~(a) General elevation requirement. Unless subject to~~
16 ~~the requirements of subsection 17-13(4)(b) of this~~
17 ~~chapter, all manufactured homes that are placed,~~
18 ~~replaced, or substantially improved on sites located:~~

19 ~~(1). Outside of a manufactured home park or~~
20 ~~subdivision;~~

21 ~~(2). In a new manufactured home park or~~
22 ~~subdivision;~~

~~(3). In an expansion to an existing manufactured home park or subdivision; or~~

~~(4). 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).~~

~~(b) Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to subsection 17-13(4)(a) of this chapter, 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:~~

~~(1). 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); or~~

~~(2). Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.~~

(5) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.

(6) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

SECTION 14: The Code of Ordinances of the City of Margate, Florida, Chapter 17 - Floodplain Management, Section 17-15 Tanks, is hereby amended, as follows:

Sec. 17-15. Tanks.

(1) *Underground tanks.* Underground tanks in flood hazard and non-flood hazard areas shall be anchored to prevent

1 flotation, collapse, or lateral movement resulting from
2 hydrodynamic and hydrostatic loads during conditions of the
3 design flood, including the effects of buoyancy assuming the
4 tank is empty.

5 (2) *Above-ground tanks, not elevated.* Above-ground tanks
6 that do not meet the elevation requirements of subsection
7 17-15(3) of this chapter shall be permitted in flood hazard
8 areas provided the tanks are anchored or otherwise designed
9 and constructed to prevent flotation, collapse, or lateral
10 movement resulting from hydrodynamic and hydrostatic loads
11 during conditions of the design flood, including the effects
12 of buoyancy, assuming the tank is empty, and the effects of
13 flood-borne debris.

14 (3) *Above-ground tanks, elevated.* Above-ground tanks in
15 flood hazard areas shall be attached to and elevated to or
16 above the design flood elevation on a supporting structure
17 that is designed to prevent flotation, collapse, or lateral
18 movement during conditions of the design flood. Tank-
19 supporting structures shall meet the foundation requirements
20 of the applicable flood hazard area.

21 (4) *Tank inlets and vents.* Tank inlets, fill openings,
22 outlets, and vents shall be:

1 (a) At or above the design flood elevation or fitted
2 with covers designed to prevent the inflow of
3 floodwater or outflow of the contents of the tanks
4 during conditions of the design flood; and

5 (b) Anchored to prevent lateral movement resulting
6 from hydrodynamic and hydrostatic loads, including the
7 effects of buoyancy, during conditions of the design
8 flood.

9 **[Note to Municipal Code: The rest of this Chapter shall**
10 **remain as codified.]**
11

12 **SECTION 15:** All ordinances or parts of ordinances in
13 conflict herewith are repealed to the extent of such conflict.
14

15 **SECTION 16:** If any section, sentence, clause, or
16 phrase of this Ordinance is held to be invalid or
17 unconstitutional by a court of competent jurisdiction, then
18 said holding shall in no way affect the validity of the
19 remaining portions of this Ordinance.
20

21 **SECTION 18:** It is the intention of the City
22 Commission that the provisions of this ordinance shall become
23 and be made a part of the City of Margate 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 19: This Ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS ____ day of _____ 2021.

PASSED ON SECOND READING THIS ____ day of _____ 2021.

ATTEST:

JOSEPH KAVANAGH
CITY CLERK

MAYOR ARLENE R. SCHWARTZ

RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

Caggiano _____
Simone _____
Ruzzano _____
Arserio _____
Schwartz _____

Caggiano _____
Simone _____
Ruzzano _____
Arserio _____
Schwartz _____