

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

PUBLIC HEARING FOR FIRST READING AND APPROVAL OF ORDINANCE NO. 1030, AMENDING CHAPTER 26. ZONING. AT CHAPTER 11.5. FLOODPLAIN MANAGEMENT., SEC. 11.5-2. APPLICABILITY. TO UPDATE AND CLARIFY THE FIRM MAPS DATES AND LANGUAGE, AT SEC. 11.5-20. DEFINITIONS. TO ADD A DEFINITION FOR THE TERM ACCESSORY STRUCTURE, REMOVE DEFINITIONS REGARDING EXISTING, EXPANDED AND NEW MANUFACTURED HOME PARKS, AND REVISE THE DEFINITION OF MARKET VALUE, AT SEC. 11.5-30. BUILDINGS AND STRUCTURES. TO ALLOW ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS UNDER CERTAIN CIRCUMSTANCES, AT SEC. 11.5-33. MANUFACTURED HOMES. TO REVISE REQUIREMENTS FOR ELEVATING MANUFACTURED HOMES AND PROVIDE CROSS-REFERENCE TO THE FLORIDA BUILDING CODE, AT SEC. 11.5-37. AMENDMENTS TO THE FLORIDA BUILDING CODE. TO REMOVE LOCAL AMENDMENTS REGARDING ELEVATION REQUIREMENTS WHICH HAVE BECOME PART OF THE FLORIDA BUILDING CODE, AND AT SEC. 11.5-1. GENERAL. TO PROVIDE CONSISTENCY EDITS.

Issue:

In 2020, the National Flood Insurance Program (NFIP) Community Rating System (CRS) established updated prerequisites for communities to qualify or maintain class rating of Class 8 or better. Based on these updated prerequisites, the Village is required to update Chapter 11.5. Floodplain Management. to reflect the current requirements. This amendment provides for accessory structures in flood hazard areas, specifies elevation requirements for manufactured homes in the flood hazard area and allows for elevation requirements for buildings on land adjacent to the special flood hazard area.

Specifically, Village Staff is proposing to amend Chapter 11.5. Floodplain Management. at:

- Sec. 11.5-2. Applicability. to update and clarify the FIRM Maps dates and language;
- Sec. 11.5-20. Definitions. to add a definition for the term accessory structure, remove definitions regarding existing, expanded and new manufactured home parks, and revise the definition of market value;
- Sec. 11.5-30. Buildings and structures. to allow accessory structures in flood hazard areas under certain circumstances;
- Sec. 11.5-33. Manufactured homes. to revise requirements for elevating manufactured homes and provide cross-reference to the Florida Building Code;

Initiator:	Village Manager	Agenda Date	Village Council
Village Engineer	Approval	7-14-2022	Action

- Sec. 11.5-37. Amendments to the Florida Building Code. to remove local amendments regarding elevation requirements which have become part of the Florida Building Code; and
- Sec. 11.5-1. General. to provide consistency edits.

Recommended Action:

Staff recommends Approval of Ordinance No. 1030 on first reading.

Initiator:	Village Manager	Agenda Date	Village Council
Village Engineer	Approval	7-14-2022	Action

ORDINANCE NO. 1030

AN ORDINANCE BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH AMENDING THE CODE OF ORDINANCES AT CHAPTER 11.5. FLOODPLAIN MANAGEMENT., AT SECTION 11.5-2. APPLICABILITY. TO UPDATE AND CLARIFY THE FIRM MAPS DATES AND LANGUAGE, AT SECTION 11.5-20. DEFINITIONS. TO ADD A DEFINITION FOR THE TERM ACCESSORY STRUCTURE, REMOVE DEFINITIONS REGARDING EXISTING, EXPANDED AND NEW MANUFACTURED HOME PARKS, AND REVISE THE DEFINITION OF MARKET VALUE, AT SECTION 11.5-30. BUILDINGS AND STRUCTURES. TO ALLOW ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS UNDER CERTAIN CIRCUMSTANCES, AT SECTION 11.5-33. MANUFACTURED HOMES. TO REVISE REQUIREMENTS FOR ELEVATING MANUFACTURED HOMES AND PROVIDE CROSS-REFERENCE TO THE FLORIDA BUILDING CODE, AT SECTION 11.5-37. AMENDMENTS TO THE FLORIDA BUILDING CODE. TO REMOVE LOCAL AMENDMENTS REGARDING ELEVATION REQUIREMENTS WHICH HAVE BECOME PART OF THE FLORIDA BUILDING CODE, AND AT SECTION 11.5-1. GENERAL. TO PROVIDE CONSISTENCY EDITS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

WHEREAS, the Village of Royal Palm Beach 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 and achieved a CRS rating of Class 6, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; 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

WHEREAS, to satisfy the prerequisite and for the Village of Royal Palm Beach to maintain the current CRS rating, all manufactured homes installed or replaced in flood hazard areas must be elevated to or above at least the base flood elevation plus one (1) foot, which necessitates modification of the existing requirements; 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 Village Council has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for non-elevated wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy; and

WHEREAS, the Village Council determined that it is in the public interest to amend the floodplain management regulations to better protect manufactured homes and to continue participating in the Community Rating System at the current class rating.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

Section 2: Chapter 11.5. Floodplain Management. Of the Code of Ordinance of the Village of Royal Palm Beach is hereby amended at Article I. Administration., Section 11.5-1. General. to provide consistency edits in terminology; providing that Section 11.5-1. shall hereafter read as follows:

Sec. 11.5-1. General.

- (a) *Title.* These regulations shall be known as the Floodplain Management Ordinance of Village of Royal Palm Beach, Florida, hereinafter referred to as "this ordinance."
- (b) *Scope.* Unless otherwise specifically indicated, the provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- (c) *Intent.* The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
 - (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 - (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 - (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 - (5) Minimize damage to public and private facilities and utilities;
 - (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 - (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 - (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- (d) *Coordination with the Florida Building Code.* This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- (e) *Warning.* The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped ~~special~~ flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.
- (f) *Disclaimer of liability.* This ordinance shall not create liability on the part of the Village Council of Village of Royal Palm Beach, Florida or by any officer or employee thereof for

any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 3: Chapter 11.5. Floodplain Management. Of the Code of Ordinance of the Village of Royal Palm Beach is hereby amended at Article I. Administration., Section 11.5-2. Applicability. to update the FIRM map dates and clarify language regarding flood hazard area; providing that Section 11.5-2. shall hereafter read as follows:

Sec. 11.5-2. Applicability.

- (a) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (b) *Areas to which this ordinance applies.* This ordinance shall apply to all flood hazard areas within the Village of Royal Palm Beach, Florida, as established in section 11.5-2(c) of this ordinance.
- (c) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas dated October 5, 2017~~October 15, 1982~~, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance. The Flood Insurance Study and FIRMs, and the land area adjacent to the special flood hazard area that is below the base flood elevation plus 1 foot is the ~~and shall serve as the minimum~~ basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the clerk's office.
- (d) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 11.5-5 of this ordinance the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
 - (1) Are below the closest applicable base flood elevation, even in areas not delineated as a ~~special~~ flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.

- (2) Are above the closest applicable base flood elevation, the area shall be regulated as ~~special~~ flood hazard area unless the applicant obtains a letter of map change that removes the area from the ~~special~~ flood hazard area.
- (e) *Other laws.* The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.
- (f) *Abrogation and greater restrictions.* This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, storm water management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.
- (g) *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 4: Chapter 11.5. Floodplain Management. Of the Code of Ordinance of the Village of Royal Palm Beach is hereby amended at Article II. Definitions., Section 11.5-20. Definitions. to add a definition for the term accessory structure, remove definitions regarding existing, expanded and new manufactured home parks, and revise the definition of market value; providing that Section 11.5-2. shall hereafter read as follows:

Sec. 11.5-20. Definitions.

- (a) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.
- (b) *Terms defined in the Florida Building Code.* Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
- (c) *Terms not defined.* Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.
- (d) *Definitions.*

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is limited to parking and storage incidental to the use of the principal structure.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

ASCE 24. A standard titled flood resistant design and construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a one (1) percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

Critical facility. A structure or other improvement that, because of its function, size, service area, or uniqueness, has the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities if it is destroyed or damaged or if its functionality is impaired. Critical facilities include health and safety facilities, utilities, government facilities, and hazardous materials facilities. The term includes facilities that are assigned Risk Category III and IV pursuant to the Florida Building Code, Building.

Design flood. The flood associated with the greater of the following two (2) areas: [Also defined in FBC, B, Section 202.]

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year;
or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas

designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet. [Also defined in FBC, B, Section 202.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before August 15, 1974. [Also defined in FBC, B, Section 202.]

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 15, 1974.~~

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

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

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area. The greater of the following two (2) areas: [Also defined in FBC, B, Section 202.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

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

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

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

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

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

(3) *Letter of map revision based on fill (LOMR-F):* A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

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

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds gross vehicular weight rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

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

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

Market value. ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsions to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market~~ The value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after August 15, 1974 and includes any subsequent improvements to such structures.

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 15, 1974.~~

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 in 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.

Special flood hazard area. An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed forty-nine (49) percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a five-year period, the

cumulative cost of which equals or exceeds forty-nine (49) percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to May 4, 2017. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Section 5: Chapter 11.5. Floodplain Management. Of the Code of Ordinance of the Village of Royal Palm Beach is hereby amended at Article III. Flood Resistant Development., Section 11.5-30. Buildings and structures. to allow accessory structures in flood hazard areas under certain circumstances; providing that Section 11.5-30. shall hereafter read as follows:

Sec. 11.5-30. Buildings and structures.

- (a) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to section 11.5-4.c of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 11.5-36 of this ordinance.
- (b) *Critical facilities not permitted.* New critical facilities shall not be permitted in special flood hazard areas and in areas identified on the FIRM as areas of 0.2 percent annual chance flood, identified as Zone X (shaded).

(c) *Elevation requirements for areas other than special flood hazard areas (Zone X).* All new buildings located in the areas other than special flood hazard established in section 11.5-2(c), identified on the FIRM as Zone X (shaded and unshaded), shall:

(1) For new ~~and substantial improvement of~~ residential buildings, have the lowest floor (including basement) elevated at least eighteen (18) inches above the crown of all streets adjacent to the plot on which such building is located.

(2) For new ~~and substantial improvement of~~ nonresidential buildings, shall either have the lowest floor, including basement, elevated at least six (6) inches above the crown of all streets adjacent to the plot upon which such building is located or, together with attendant utility and sanitary facilities, be dry floodproofed in conformance with the requirements of ASCE 24; designs and specifications for dry floodproofing shall be certified by a registered professional engineer or architect as meeting the requirements of ASCE 24.

(3) For new buildings on land adjacent to the special flood hazard area that is below the base flood elevation plus 1 foot:

(i) For residential buildings, the lowest floor shall be elevated as specified in paragraph (c)(1) of this section or at or above the base flood elevation plus 1 foot, whichever is higher.

(ii) For nonresidential buildings, the lowest floor, or the level of dry floodproofing, shall be as specified in paragraph (c)(2) of this section or at or above the base flood elevation plus 1 foot, whichever is higher.

(d) *Non-elevated accessory structures.* Accessory structures are permitted below elevations required by the Florida Building Code provided the accessory structures are used only for parking or storage and:

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

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

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

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

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

Section 6: Chapter 11.5. Floodplain Management. Of the Code of Ordinance of the Village of Royal Palm Beach is hereby amended at Article III. Flood Resistant Development., Section 11.5-33. Buildings and structures. to revise requirements for elevating manufactured homes and provide cross-reference to the Florida Building Code; providing that Section 11.5-33. shall hereafter read as follows:

Sec. 11.5-33. Manufactured homes.

- (a) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.
- (b) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this ordinance. ~~Foundations for manufactured homes subject to section 11.5-33.f of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~
- (c) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- (d) *Elevation.* All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required in the Florida Building Code, Residential Section R3222.2 (Zone A). ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with section 11.5-33(e) or (f) of this ordinance, as applicable.~~
- ~~(e) *General elevation requirement.* Unless subject to the requirements of section 11.5-33(f) of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon~~

which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential one A).

~~(f) Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to section 11.5-33(e) of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

~~(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 forty eight (48) inches in height above grade.~~

~~(e)(g) Enclosures.~~ Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 for such enclosed areas.

~~(f)(h) 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 7: Chapter 11.5. Floodplain Management. Of the Code of Ordinance of the Village of Royal Palm Beach is hereby amended at Article III. Flood Resistant Development., Section 11.5-37. Amendments to the Florida Building Code. to remove local amendments regarding elevation requirements which have become part of the Florida Building Code; providing that Section 11.5-37. shall hereafter read as follows:

Sec. 11.5-37. Amendments to the Florida Building Code.

(a) *Florida Building Code, Residential.* The Florida Building Code, Residential is hereby amended by the following technical amendments, and shall hereafter read as follows:

Amend Section R322.2.1 as follows:

~~R322.2.1 Elevation requirements.~~

- ~~1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~
- ~~2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.~~
- ~~3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is not specified.~~
- ~~4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~

~~**Exception:** Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.~~

R322.2.5 Use of fill. Where fill is used to elevate dwellings, the fill shall be designed and placed in conformance with the use of fill requirements in ASCE 24 and shall be protected from erosion and scour.

R506.2.1 Fill. Fill material shall be free of vegetation and foreign material. The fill shall be compacted to assure uniform support of the slab, and except where approved, the fill depths shall not exceed 24 inches for clean sand or gravel and 8 inches for earth. Where used in flood hazard areas, fill shall be designed and placed in conformance with the use of fill requirements in ASCE 24 and shall be protected from erosion and scour.

(b) *Florida Building Code, Building.* The Florida Building Code, Building is hereby amended by the following technical amendments, and shall hereafter read as follows:

Amend the definition of "SUBSTANTIAL IMPROVEMENT" as follows:

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 5-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to May 4, 2017. If the structure has sustained substantial damage, any repairs are considered

substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(c) *Florida Building Code, Existing Building*. The Florida Building Code, Existing Building is hereby amended by the following technical amendments, and shall hereafter read as follows:

Amend the definition of "SUBSTANTIAL IMPROVEMENT" as follows:

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 5-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to May 4, 2017. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Section 8: Each and every other Section and Sub-section of Chapter 11.5. Floodplain Management. shall remain in full force and effect as previously enacted.

Section 9: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 10: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 11: Specific authority is hereby granted to codify this Ordinance.

FIRST READING this 14th day of July, 2022.

SECOND AND FINAL READING this 18th day of August, 2022.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK