Meeting Date: July 14, 2015 Agenda Item 24

REQUESTED COMMISSION ACTION:

Consent	X Ordinance	Resolution	Consideration/ Discussion	Presentation
____	____	____	____	____

SHORT TITLE **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTIONS 152.12, 152.20, 152.22, 152.23, 152.24, 152.25, 152.26, 152.27, 152.28, 152.29, 152.30, 152.31, 152.32, 152.33, 152.35, 152.36, 152.50, AND 152.57; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Summary of Purpose and Why:

Staff is recommending text amendments to Chapter 152 regarding the fees for tents, floodplain management regulations, and the green building program incentive. Regarding tent fees, the proposed text amendments do not revise the fee for the first tent. However the permit fee for additional tents would be reduced to $20.00 per tent. Regarding floodplain regulations, in 2014 the City adopted a "Model Ordinance" with the new FIRM Panels. In the interim, the city has determined that some standards needed further clarification. Therefore the proposed amendments clearly define the scope, intent and minimum requirements. Additionally, the proposed amendments delete references to floodways, as none exist in the City. Regarding the green building program incentives, the proposed amendments revises the "reimbursement" for public buildings required to be "green" (per the Florida Energy Conservation and Sustainable Buildings Act). These buildings would receive an initial 50% reduction of building permit fees. Development Services Memorandum #15-230 (attached) includes additional description of proposed changes.

(1) Origin of request for this action: Development Services Dept.
(2) Primary staff contact: Robin M. Bird/ Karen Friedman Ext. 7792
(3) Expiration of contract, if applicable: N/A
(4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	05/07/2015		Memo #15-230
Finance Dept.			
City Attorney	05/19/2015		Memo #2015-1001
X City Manager			

Ordinance	Resolution	Consideration	
Workshop			
1st Reading	1st Reading	Results:	Results:
2nd Reading			

City Attorney's Communication #2015-1001

May 19, 2015

TO: Karen Friedman, AICP, Planner

FROM: Mark E. Berman, Assistant City Attorney

RE: Ordinance Amending Chapter 152, "Buildings"

As requested in your memorandum of May 8, 2015, Department of Development Services Memorandum No. 15-234, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

> **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTION 152.12, "BUILDING PERMIT FEES," TO REDUCE THE BUILDING PERMIT FEE FOR TEMPORARY TENTS; BY AMENDING SECTION 152.20, "GENERAL," SECTION 152.21, "DEFINITIONS," SECTION 152.22, "APPLICABILITY," SECTION 152.23, "DUTIES," SECTION 152.24, "PERMITS," SECTION 152.25, "SITE PLANS AND CONSTRUCTION DOCUMENTS," SECTION 152.26, "INSPECTIONS," SECTION 152.27, "VARIANCES AND APPEALS," SECTION 152.28, "VIOLATIONS," SECTION 152.29, "FLOOD RESISTANT DEVELOPMENT OF BUILDINGS AND STRUCTURES," SECTION 152.30, "SUBDIVISIONS," SECTION 152.31, "SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS," SECTION 152.32, "MANUFACTURED HOMES," SECTION 152.33, "RECREATIONAL VEHICLES AND PARK TRAILERS," SECTION 152.35, "OTHER DEVELOPMENT," AND SECTION 152.35, "APPLICABILITY," TO CLEARLY DEFINE THE SCOPE, INTENT AND MINIMUM REQUIREMENTS AND TO DELETE REFERENCES TO FLOODWAYS; BY AMENDING SECTION 152.50, "DEFINITIONS," TO DEFINE FLORIDA ENERGY CONSERVATION AND SUSTAINABLE BUILDING ACT; BY AMENDING SECTION 152.57, "INCENTIVES," TO REVISE THE CITY'S INCENTIVE POLICY FOR GREEN BUILDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

Please carefully review the ordinance to ensure that it meets with your requirements.

MARK E. BERMAN

/jrm
l:cor/dev-srv/2015-1001

Attachment

ORDINANCE NO. 2015-_____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTION 152.12, "BUILDING PERMIT FEES," TO REDUCE THE BUILDING PERMIT FEE FOR MULTIPLE TEMPORARY TENTS; BY AMENDING SECTION 152.20, "GENERAL," SECTION 152.21, "DEFINITIONS," SECTION 152.22, "APPLICABILITY," SECTION 152.23, "DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR," SECTION 152.24, "PERMITS," SECTION 152.25, "SITE PLANS AND CONSTRUCTION DOCUMENTS," SECTION 152.26, "INSPECTIONS," SECTION 152.27, "VARIANCES AND APPEALS," SECTION 152.28, "VIOLATIONS," SECTION 152.29, "FLOOD RESISTANT DEVELOPMENT OF BUILDINGS AND STRUCTURES," SECTION 152.30, "SUBDIVISIONS," SECTION 152.31, "SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS," SECTION 152.32, "MANUFACTURED HOMES," SECTION 152.33, "RECREATIONAL VEHICLES AND PARK TRAILERS," SECTION 152.35, "OTHER DEVELOPMENT," AND SECTION 152.36, "APPLICABILITY," TO CLEARLY DEFINE THE SCOPE, INTENT AND MINIMUM REQUIREMENTS AND TO DELETE REFERENCES TO FLOODWAYS; BY AMENDING SECTION 152.50, "DEFINITIONS," TO DEFINE FLORIDA ENERGY CONSERVATION AND SUSTAINABLE BUILDING ACT; BY AMENDING SECTION 152.57, "INCENTIVES," TO REVISE THE CITY'S INCENTIVE POLICY FOR GREEN BUILDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the Commission Meeting Room of the City of Pompano Beach, Florida; and

WHEREAS, a public hearing before the City Commission was held pursuant to the public notice described above at which hearing the parties in interest and all other citizens so desiring had an opportunity to be, and were in fact heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 152.12, "Building Permit Fees," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§152.12 BUILDING PERMIT FEES.

(A) General permit fees shall be as stated below. The minimum fee for all general permits shall be $50 unless otherwise set forth herein.

. . .

(4) Temporary tents and temporary fabric canopies for special events and public events ~~(fee per tent or canopy)~~:

up to 120 sq. ft.	No permit required as per Florida Building Code § 3103.1.1.
over 120-500 sq. ft.	$150 for the first tent; $20.00 per tent for each additional tent
500 sq. ft. and larger	$250 for the first tent; $20.00 per tent for each additional tent

. . .

SECTION 2. That Section 152.20, "General," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

FLOODPLAIN MANAGEMENT REGULATIONS

152.20 GENERAL.

(A) *Title.* ~~These regulations~~ The following portions of this chapter shall be known as the ~~*Floodplain Management Ordinance*~~ Floodplain Regulations

of The City of Pompano Beach, hereinafter referred to as ~~"this ordinance."~~ the "Floodplain Regulations."

(B) *Scope.* The provisions of ~~this ordinance~~ the Floodplain Regulations shall apply to all development ~~that is wholly within or partially within any flood hazard area,~~ initiated on or after August 18, 2014, 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 or as otherwise indicated in this chapter.

(C) *Intent.* The purposes of ~~this ordinance~~ the Floodplain Regulations 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:

. . .

(D) *Coordination with the Florida Building Code.* ~~This ordinance is~~ The Floodplain Regulations are 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~~ the Floodplain Regulations 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~~ The Floodplain Regulations do 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~~ the Floodplain Regulations.

(F) *Disclaimer of Liability.* ~~This ordinance~~ The Floodplain Regulations shall not create liability on the part of the City Commission of The

City of Pompano Beach, Florida or by any officer or employee thereof for any flood damage that results from reliance on ~~this ordinance~~ the Floodplain Regulations or any administrative decision lawfully made thereunder.

SECTION 3. That Section 152.21, "Definitions," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.21 DEFINITIONS.

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

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

(D) *Definitions.* For purposes of this section, the following definitions shall apply:

. . .

(2) ***APPEAL.*** A request for a review of the Floodplain Administrator's interpretation of any provision of ~~this ordinance~~ the Floodplain Regulations or a request for a variance.

. . .

(9) ***CROWN OF ROAD.*** The elevation of the highest surface of existing street pavement within the right-of-way abutting the property relative to the National Geodetic Vertical Datum (NGVD) or North America Vertical Datum (NAVD) or otherwise approved by the City Engineer.

(10) ***DESIGN FLOOD.*** The flood associated with the greater of the following two areas: [Also defined in FBC, B].

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

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

. . .

(20) ***FLOOD HAZARD AREA.*** The greater of the following two areas: [Also defined in FBC, B].

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

. . .

(23) ***FLOODPLAIN ADMINISTRATOR.*** The office or position designated and charged with the administration and enforcement of ~~this ordinance~~ the Floodplain Regulations (may be referred to as the Floodplain Manager).

(24) ***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~~ the Floodplain Regulations.

~~(25) ***FLOODWAY.*** The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B].~~

~~(26) ***FLOODWAY ENCROACHMENT ANALYSIS.*** An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.~~

(~~27~~ 25) ***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.*

(~~28~~ 26) ***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.

(~~29~~ 27)***HIGHEST ADJACENT GRADE.*** The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

(~~30~~ 28)***HISTORIC STRUCTURE.*** Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building,* Chapter 11 Historic Buildings.

(~~31~~ 29)***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:

. . .

(~~32~~ 30)***LIGHT-DUTY TRUCK.*** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

. . .

(~~33~~ 31)***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].

(~~34~~ 32)***MANUFACTURED HOME.*** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

(~~35~~ 33)***MANUFACTURED HOME PARK OR SUBDIVISION.*** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(~~36~~ 34)***MARKET VALUE.*** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in ~~this ordinance~~ the Floodplain Regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified

independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

(~~37~~ 35)***NEW CONSTRUCTION.*** For the purposes of administration of ~~this ordinance~~ the Floodplain Regulations and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 5, 1979 and includes any subsequent improvements to such structures.

(~~38~~ 36)***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 September 5, 1979.

(~~39~~ 37)***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 320.01, F.S.]

(~~40~~ 38)***RECREATIONAL VEHICLE.*** A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

. . .

(~~41~~ 39)***DUNES.*** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

(~~42~~ 40)***SPECIAL FLOOD HAZARD AREA.*** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B].

(~~43~~ 41)***START OF CONSTRUCTION.*** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

. . .

(44 42)***SUBSTANTIAL DAMAGE.*** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B].

(~~45~~ 43)***SUBSTANTIAL IMPROVEMENT.*** Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B].

. . .

(~~46~~ 44)***VARIANCE.*** A grant of relief from the requirements of ~~this ordinance~~ the Floodplain Regulations, 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~~ the Floodplain Regulations or the *Florida Building Code*.

(~~47~~ 45)***WATERCOURSE.*** A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

SECTION 4. That Section 152.22, "Applicability," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.22 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~~ the Floodplain Regulations apply.* ~~This ordinance~~ The Floodplain Regulations shall apply to all ~~flood hazard~~ areas within the City of Pompano Beach, Florida ~~as established in division (C) of this section~~.

(C) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Broward County, Florida and Incorporated Areas dated August 18, 2014, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of ~~this ordinance~~ these Regulations 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 Building Inspections Division office, 100 West Atlantic Boulevard.

(D) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to § 152.25 of ~~this ordinance~~ these Regulations, 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:

. . .

(E) *Other laws.* The provisions of ~~this ordinance~~ the Floodplain Regulations shall not be deemed to nullify any provisions of local, state or federal law.

(F) *Abrogation and greater restrictions.* ~~This ordinance~~ The Floodplain Regulations supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between ~~this ordinance~~ the Floodplain Regulations and any other ordinance, the more restrictive shall govern. ~~This ordinance~~ The Floodplain Regulations 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~~ the Floodplain Regulations.

(G) *Interpretation.* In the interpretation and application of ~~this ordinance~~ the Floodplain Regulations, all provisions shall be:

. . .

SECTION 5. That Section 152.23, "Duties and Powers of the Floodplain Administrator," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.23 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR.

. . .

(B) *General.* The Floodplain Administrator is authorized and directed to administer and enforce the provisions of ~~this ordinance~~ the Floodplain Regulations. The Floodplain Administrator shall have the authority to render

interpretations of ~~this ordinance~~ the Floodplain Regulations consistent with ~~the~~ its intent and purpose ~~of this ordinance~~ and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in ~~this ordinance~~ the Floodplain Regulations without the granting of a variance pursuant to § 152.27 of ~~this ordinance~~ the Floodplain Regulations.

(C) *Applications and permits.* The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

. . .

(2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of ~~this ordinance~~; the Floodplain Regulations;

. . .

(7) 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 ordinance~~ the Floodplain Regulations is demonstrated, or disapprove the same in the event of noncompliance; and

(8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of ~~this ordinance~~ the Floodplain Regulations.

(D) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

. . .

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and ~~this ordinance is~~ the Floodplain Regulations are required.

(E) *Modifications of the strict application of the requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to §152.27 of ~~this ordinance~~ the Floodplain Regulations.

(F) *Notices and orders.* The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with ~~this ordinance~~ the Floodplain Regulations.

(G) *Inspections.* The Floodplain Administrator shall make the required inspections as specified in §152.26 of ~~this ordinance~~ the Floodplain Regulations for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

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

. . .

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations~~,~~ or flood hazard area boundaries, ~~or floodway designations;~~ such submissions shall be made within 6 months of such data becoming available;

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

. . .

(I) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of ~~this ordinance~~ the Floodplain Regulations and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the

Florida Building Code and ~~this ordinance~~ the Floodplain Regulations; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to ~~this ordinance~~ the Floodplain Regulations and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at Building Inspections Division office, 100 West Atlantic Boulevard, Pompano Beach, Florida.

SECTION 6. That Section 152.24, "Permits," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.24 PERMITS.

(A) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of ~~this ordinance~~ the Floodplain Regulations initiated on or after August 18, 2014, including buildings, structures and facilities exempt from the *Florida Building Code*, ~~which is wholly within or partially within any flood hazard area~~ shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of ~~this ordinance~~ the Floodplain Regulations and all other applicable codes and regulations has been satisfied.

(B) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to ~~this ordinance~~ the Floodplain Regulations for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(C) *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of ~~this ordinance~~ the Floodplain Regulations:

. . .

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

. . .

(4) Be accompanied by a site plan or construction documents as specified in § 152.25 of ~~this ordinance~~ the Floodplain Regulations.

. . .

(E) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to ~~this ordinance~~ the Floodplain Regulations shall not be construed to be a permit for, or approval of, any violation of ~~this ordinance~~ the Floodplain Regulations, 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 Floodplain Administrator from requiring the correction of errors and omissions.

. . .

(G) *Suspension or revocation.* The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of ~~this ordinance~~ the Floodplain Regulations or any other ordinance, regulation or requirement of this community.

. . .

SECTION 7. That Section 152.25, "Site Plans and Construction Documents," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.25 SITE PLANS AND CONSTRUCTION DOCUMENTS.

(A) *Information for development in ~~flood hazard~~ areas with Base Flood Elevations.* The site plan or construction documents for any development subject to the requirements of ~~this ordinance~~ the Floodplain Regulations shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, ~~floodway boundaries~~ and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

~~(2) Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with division (B)(2) or (3) of this section.~~

~~(3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with division (B)(1) of this section.~~

(~~4~~ 2) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

(~~5~~ 3) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(~~6~~ 4) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(~~7~~ 5) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.

(~~8~~ 6) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

(~~9~~ 7) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by ~~this ordinance~~ the Floodplain regulations but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with ~~this ordinance~~ the Floodplain Regulations.

~~(B) *Information in flood hazard areas without base flood elevations (approximate Zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:~~

~~(1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.~~

~~(2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.~~

~~(3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:~~

~~(a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or~~

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

~~(4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.~~

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

~~(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in division (D) of this section and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.~~

~~(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated~~

~~flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.~~

(~~3~~ 1) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in division (D) of this section.

(~~4~~ 2) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

(~~D~~ C) *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 engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 8. That Section 152.26, "Inspections," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.26 INSPECTIONS.

. . .

(B) *Development other than buildings and structures.* The Floodplain Administrator shall inspect all development to determine compliance with the requirements of ~~this ordinance~~ the Floodplain Regulations and the conditions of issued floodplain development permits or approvals.

(C) *Buildings, structures and facilities exempt from the Florida Building Code.* The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of ~~this ordinance~~ the Floodplain Regulations and the conditions of issued floodplain development permits or approvals.

(D) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* ~~Upon~~ Prior to placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator~~:~~ the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor.

~~(1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or~~

~~(2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with § 152.25(B)(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.~~

(E) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor ~~or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in division (D)(1) of this section~~.

(F) *Manufactured homes.* The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of ~~this ordinance~~ the Floodplain Regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator or Building Official.

SECTION 9. That Section 152.27, "Variances and Appeals," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.27 VARIANCES AND APPEALS.

(A) *General.* The Zoning Board of Appeals shall hear and decide on requests for appeals and requests for variances from the strict application of ~~this ordinance~~ the Floodplain Regulations. Pursuant to section 553.73(5), F.S., the Zoning Board of Appeals shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

(B) *Appeals.* The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of ~~this ordinance~~ the Floodplain Regulations. Any person aggrieved by the decision of Zoning Board of Appeals may appeal such decision to the Circuit Court, as provided by Florida Statutes.

(C) *Limitations on authority to grant variances.* The Zoning Board of Appeals shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in division (~~G~~ F) of this section, the conditions of issuance set forth in division (~~H~~ G) of this section, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Zoning Board of Appeals has the right to attach such conditions as it deems necessary to further the purposes and objectives of ~~this ordinance~~ the Floodplain Regulations.

~~(D) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in § 152.25(C) of this ordinance.~~

(~~E~~ D) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

(~~F~~ E) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in ~~this ordinance~~ the Floodplain Regulations, provided the variance ~~meets the requirements of division (D) of this section,~~ is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(~~G~~ F) *Considerations for issuance of variances.* In reviewing requests for variances, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, and all other applicable provisions of the *Florida Building Code*, ~~this ordinance~~ the Floodplain Regulations, and the following:

prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

(~~F~~ E) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by § 152.25(~~C)(4)~~(B)(2) of ~~this ordinance~~ the Floodplain Regulations demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with § 152.35(~~H)(3))~~(E)(3) of ~~this ordinance~~ the Floodplain Regulations.

SECTION 14. That Section 152.32, "Manufactured Homes," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.32 MANUFACTURED HOMES.

(A) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of ~~this ordinance~~ the Floodplain Regulations. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

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

(1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and ~~this ordinance~~ the Floodplain Regulations.

(2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and ~~this ordinance~~ the Floodplain Regulations.

. . .

. . .

(~~H~~ G) *Conditions for issuance of variances.* Variances shall be issued only upon:

. . .

SECTION 10. That Section 152.28, "Violations," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.28 VIOLATIONS.

(A) *Violations.* Any development that is or is not within the scope of the *Florida Building Code*, but that is regulated by ~~this ordinance~~ the Floodplain Regulations that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with ~~this ordinance~~ the Floodplain Regulations, shall be deemed a violation ~~of this ordinance~~. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by ~~this ordinance~~ the Floodplain Regulations or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided and approved by the Building Official or Floodplain Administrator.

(B) *Authority.* For development that is or is not within the scope of the *Florida Building Code*, but that is regulated by ~~this ordinance~~ the Floodplain Regulations 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.

(C) *Unlawful continuance.* ~~Any person who shall~~ It shall constitute a violation for any work to continue ~~any work~~ after ~~having been served with~~ service of a notice of violation or a stop work order, except ~~such~~ for work as ~~that person is~~ may be directed ~~to perform~~ by the Building Official or Floodplain Administrator to remove or remedy a violation or unsafe condition. Any person and any property where the violation exists shall be subject to penalties as prescribed by law.

(D) The City may prosecute violations of the Floodplain Regulations before its Special Magistrate for Code Enforcement as per Chapter 162 F.S., may prosecute violators in the County Court, and may seek whatever relief it deems appropriate in a court of competent jurisdiction.

SECTION 11. That Section 152.29, "Flood Resistant Development of Buildings and Structures," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.29 FLOOD RESISTANT DEVELOPMENT OF BUILDINGS AND STRUCTURES.

(A) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to § 152.24(C) of ~~this ordinance~~ the Floodplain Regulations, 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 § 152.35 of ~~this ordinance~~ the Floodplain Regulations.

(B) *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

. . .

(2) Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of ~~this ordinance~~ the Floodplain Regulations and ASCE 24.

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

(1) Minimum elevation.

(a) Residential buildings. New construction and substantial improvement of residential buildings shall have the lowest floor, including basement, elevated to or above the elevation required in the *Florida Building Code, Residential* or *Florida Building Code, Building*, as applicable, or at least 18 inches above the highest point of the crown of all existing streets adjacent to the plot upon which all other buildings are located, whichever results in the highest elevation.

(b) Nonresidential buildings. New construction and substantial improvement of nonresidential buildings shall have the lowest floor,

including basement, elevated or dry flood proofed to or above the elevation required in the *Florida Building Code, Building* or at least 6 inches above the highest point of the crown of all existing streets adjacent to the plot upon which all other buildings are located, whichever results in the highest elevation.

SECTION 12. That Section 152.30, "Subdivisions," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.30 SUBDIVISIONS.

. . .

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

. . .

~~(2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with § 152.25(B)(1) of this ordinance; and~~

(~~3~~ 2) Compliance with the site improvement and utilities requirements of § 152.31 of ~~this ordinance~~ the Floodplain Regulations.

SECTION 13. That Section 152.31, "Site Improvements, Utilities and Limitations," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.31 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS.

. . .

~~(D) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in § 152.25(C)(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.~~

(~~E~~ D) *Limitations on placement of fill.* Subject to the limitations of ~~this ordinance~~ the Floodplain Regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters,

SECTION 15. That Section 152.33, "Recreational Vehicles and Park Trailers," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.33 RECREATIONAL VEHICLES AND PARK TRAILERS.

. . .

(B) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in division (A) of this section for temporary placement shall meet the requirements of § 152.32 of ~~this ordinance~~ the Floodplain Regulations for manufactured homes.

SECTION 16. That Section 152.35, "Other Development," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.35 OTHER DEVELOPMENT.

(A) *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in ~~this ordinance~~ the Floodplain Regulations or the *Florida Building Code*, shall:

(1) Be located and constructed to minimize flood damage;

~~(2) Meet the limitations of § 152.31(D) of this ordinance if located in a regulated floodway;~~

(~~3~~ 2) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(~~4~~ 3) Be constructed of flood damage-resistant materials; and

(~~5~~ 4) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

~~(B) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of § 152.31(D) of this ordinance.~~

~~(C) *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of § 152.31(D) of this ordinance.~~

~~(D) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of § 152.31(D) of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of § 152.25(C)(3) of this ordinance.~~

(~~E~~ B) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

. . .

(~~F~~ C) *Decks and patios in coastal high hazard areas (Zone V).* In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

. . .

(~~G~~ D) *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

. . .

(~~H~~ E) *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:

. . .

SECTION 17. That Section 152.36, "Applicability," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

152.36 APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply to the City of Pompano Beach. ~~This ordinance~~ The Floodplain Regulations shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after August 18, 2014.

SECTION 18. That Section 152.50, "Definitions," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

GREEN BUILDING PROGRAM

§ 152.50 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

. . .

CONSTRUCTION. Any project associated with the creation, development, or erection of any building eligible for the program.

FLORIDA ENERGY CONSERVATION AND SUSTAINABLE BUILDINGS ACT. Sections 255.251, 255.252, 255.253, 255.254, 255.255 and 255.256, F.S. requiring county, municipal, school district, water management district, state university, Florida College System institution, and state court buildings to be constructed to comply with a sustainable building rating system or a national model green building code.

FGBC. The Florida Green Building Coalition.

. . .

SECTION 19. That Section 152.57, "Incentives," of Chapter 152, "Buildings," of the Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 152.57 INCENTIVES.

The program shall consist of incentives designed to encourage the use of

the program.

(A) *All sub-programs.* For any program participant seeking program certification for new residential construction, residential retrofitting/remodeling, new commercial/non-city construction, or new city-owned civic or office construction, the city shall provide the following incentives:

(1) Fast-track permitting for building permits.

(2) Reduced permitting fee, which shall equal 50% of the fee required for a non-program participant, subject to availability of funds and reimbursed after issuance of the Certificate of Occupancy and submittal of evidence of compliance with a certification-based "green building" program.

(3) Reduced permitting fee, which shall equal 50% of the fee required for a non-program participant, for developments which are required to be constructed to comply with a sustainable building rating system or a national model green building code, per the Florida Energy Conservation and Sustainable Buildings Act.

~~(3)~~ (4) Final project designation by the city.

SECTION 20. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 21. This Ordinance shall become effective immediately upon passage.

PASSED FIRST READING this _____ day of _____, 2015.

PASSED SECOND READING this _____ day of _____, 2015.

_____

LAMAR FISHER, MAYOR

ATTEST:

_____

ASCELETA HAMMOND, CITY CLERK

GBL/jrm
5/22/15
L:ord/ch152/2015-328