

**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 152.20, "GENERAL," TO REMOVE REFERENCE TO COMPLIANCE DATE; BY AMENDING SECTION 152.21, "DEFINITIONS," TO MODIFY DEFINITIONS; BY AMENDING SECTION 152.24, "PERMITS," TO REMOVE REFERENCE TO COMPLIANCE DATE; BY AMENDING SECTION 152.26, "INSPECTIONS," TO MODIFY THE TIME FOR SUBMISSION OF CERTIFICATES OF ELEVATION; BY AMENDING SECTION 152.27, "VARIANCES," TO CREATE ADDITIONAL STANDARDS FOR VARIANCE APPROVAL; BY AMENDING SECTION 152.29, "FLOOD RESISTANT DEVELOPMENT OF BUILDINGS AND STRUCTURES," TO PROVIDE ADDITIONAL ALTERNATIVE CRITERIA FOR CRITICAL FACILITIES 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 152.20, "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.**

...

(B) *Scope.* The provisions of the Floodplain Regulations shall apply to all development ~~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.

...

**SECTION 2.** 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.**

...

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

(1) ***ALTERATION OF A WATERCOURSE.*** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

...

(9) ***CRITICAL FACILITY.*** Hospitals, nursing homes, medical services facilities, convalescent and assisted living facilities; police stations, fire stations, storage of critical records; government buildings and law enforcement offices; evacuation shelters and emergency operation centers that are needed for flood response activities before, during, or after a flood; and public and private utility (water and wastewater) facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood; radio/cellular/TV towers; schools and universities; landfills; and structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. The term includes facilities that are assigned ~~Risk Category~~ Flood Design

Class III and Risk Category Flood Design Class IV pursuant to the *Florida Building Code, Building and ASCE 24-14*.

...

(11) **DECLARATION OF LAND RESTRICTION (NONCONVERSION AGREEMENT).** A form provided by the Floodplain Administrator to be signed by the owner and recorded with the property deed in the Official Public Records of Broward County, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and regulations relating to enclosures below elevated ~~dwellings~~ buildings.

...

(13) **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 3 feet. [Also defined in FBC].~~

...

(30) **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 ~~44~~ 12 Historic Buildings.

...

**SECTION 3.** 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 the Floodplain Regulations ~~initiated on or after August 18, 2014,~~ including buildings, structures and facilities exempt from the *Florida Building Code*, 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 the Floodplain Regulations and all other applicable codes and regulations has been satisfied.

...

**SECTION 4.** 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.**

...

(D) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* ~~Prior to~~ Upon 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.

...

**SECTION 5.** 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.**

...

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

(1) Submission by the applicant, of a showing of competent and substantial evidence that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;

(2) Determination by the Zoning Board of Appeals that:

(a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

(b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisance, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

(c) The variance is the minimum necessary, considering the flood hazard, to afford relief;

...

**SECTION 6.** 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.**

...

(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 base flood elevation required in the *Florida Building Code, Residential* or *Florida Building Code, Building*, as applicable, plus one foot 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.

...

(c) Critical facilities buildings. New construction and substantial improvement of critical facilities buildings shall have the lowest floor, including basement, elevated or dry flood-proofed to or above the base flood elevation plus two feet, or the 500-year flood elevation, 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.

...

**SECTION 7.** 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 8.** This Ordinance shall become effective immediately upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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**REX HARDIN, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm:jmz  
9/18/18  
L:ord/ch152/2018-320