

PROPOSED

ORDINANCE 2021-

1 AN ORDINANCE OF THE BOARD OF COUNTY
2 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
3 PERTAINING TO A FUTURE CONDITIONS 100-YEAR
4 FLOOD ELEVATION MAP; AMENDING SECTIONS 27-192
5 AND 27-200 OF THE BROWARD COUNTY CODE OF
6 ORDINANCES ("CODE"); PROVIDING FOR DEFINITIONS;
7 ESTABLISHING A FUTURE CONDITIONS 100-YEAR
8 FLOOD ELEVATION MAP AND PROVIDING FOR ITS
9 APPLICATION IN ESTABLISHING THE LOWEST
10 HABITABLE FINISHED FLOOR ELEVATION; AND
11 PROVIDING FOR SEVERABILITY, INCLUSION IN THE
12 CODE, AND AN EFFECTIVE DATE.

13 (Sponsored by the Board of County Commissioners)

14 WHEREAS, on November 10, 2015, the Board of County Commissioners
15 ("Board") accepted the Updated Regional Sea Level Rise Projection (2015) of the
16 Southeast Florida Regional Climate Change Compact and directed staff to use the
17 updated projection as the basis for further resilience and sea level rise adaptation
18 planning in Broward County;

19 WHEREAS, on February 7, 2017, the Board directed staff to create and maintain
20 a future conditions map series, to include average wet season water table elevations and
21 100-year flood elevations, to account for predicted changes in water levels due to sea
22 level rise and to ensure the resilience of current and future infrastructure investments;

23 WHEREAS, a future conditions ground water elevation map was subsequently
24 adopted by the Board, effective June 30, 2017, and consultant services were solicited to
25 aid the County's development of a future conditions 100-year flood elevation map
26 ("100-year flood elevation map"), identifying flood elevations predicted in 2060-2069
27 under conditions of compounded flooding;

1 WHEREAS, while the County's 100-year flood elevation map has historically been
2 more protective than the federal flood insurance rate maps, the 100-year flood elevation
3 map now requires updating to account for changes in hydrology, including sea level rise
4 and rainfall intensification, and impacts on flood elevations;

5 WHEREAS, the establishment of a future conditions 100-year flood elevation map
6 will provide important information regarding the finished floor requirements necessary to
7 reduce future flood risk under conditions of climate change and evolving flood risk;

8 WHEREAS, the incorporation of 100-year flood future conditions standards and
9 planning for sea level rise provides additional, more immediate benefits to Broward
10 County residents and property owners by helping bolster flood insurance premium
11 discounts secured by local governments under the National Flood Insurance Program
12 Community Rating System;

13 WHEREAS, the proposed future conditions 100-year flood elevation map is
14 supported by the Broward County Water Advisory Board and its Technical Advisory
15 Committee; and

16 WHEREAS, the establishment of a future conditions 100-year flood elevation map
17 constitutes another important milestone in the County's efforts to ensure community
18 resilience by ensuring that future flood elevations are incorporated in the planning and
19 design requirements for finished floor elevations for residential and commercial
20 structures, an action that will help protect against future flood risk and potential losses
21 and preserve the affordability of flood insurance in Broward County,

22
23 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
24 BROWARD COUNTY, FLORIDA:

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 Section 1. Section 27-192 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 27-192. Definitions.**

4 Unless otherwise specified, any authorization, license, approval, or action provided
5 for in this Article shall be pursuant to the administrative functions and duties of the
6 Environmental Protection and Growth Management Department (EPGMD).

7 . . .

8 *Ground water* means water below the surface of the earth, whether it is ~~either~~ fresh
9 or saltwater.

10 . . .

11 *Individual service connection* means the sewer ~~which~~ that connects the point(s) at
12 which wastewater leaves an establishment ~~which~~ that is its source and the point at which
13 it enters a collection system.

14 *Lowest habitable building finished floor* means the lowest floor of the lowest
15 enclosed area of a building or structure, including a basement, but excluding any
16 unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle
17 parking, building access, or limited storage, provided that such enclosure is not built so
18 as to render the structure in violation of the nonelevation requirements of the Florida
19 Building Code or ASCE 24, *Flood Resistant Design and Construction*, developed and
20 published by the American Society of Civil Engineers.

21 . . .

22 Section 2. Section 27-200 of the Broward County Code of Ordinances is hereby
23 amended to read as follows:

24 **Sec. 27-200. Criteria for issuance or denial of licenses.**

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1 . . .

2 (b) *Surface water management:*

3 . . .

4 (5) *Design criteria:*

5 a. Water quantity:

6 . . .

7 3. Criteria:

8 . . .

9 c) Flood protection: The lowest habitable building

10 finished floor elevation shall be above the 100-year

11 flood elevations, as determined from the most

12 appropriate information, including: federal flood

13 insurance rate maps; the 100-year flood elevation

14 map, plate WM 13.1; the 100-year flood elevation

15 map, plate WM 13.1 – Future Conditions; the site-

16 specific post-development 100-year, 3-day flood stage;

17 or 100-year flood elevations established by previously

18 approved basin studies for local water control districts

19 with self-contained water management systems.

20 However, nonresidential buildings may be constructed

21 at lower elevations if they are shown to meet the

22 Federal Emergency Management Agency's standards

23 for flood proofing. Both tidal flooding and the 100-year,

24 3-day storm event shall be considered in determining

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elevations. Where a conceptual comprehensive drainage plan has been approved, each phase shall provide detailed plans and calculations indicating compliance with the approved conceptual comprehensive drainage plan (i.e., minimum floor elevations, building size, average finished grade, and the required retention/detention volume). For nonresidential buildings in areas where the 100-year flood elevation map, plate WM 13.1 – Future Conditions, establishes a flood elevation more than three (3) feet higher than the next highest flood elevation, as compared to the criteria above, the applicant may propose a lower finished floor elevation, provided (i) the proposed finished floor elevation is at least three (3) feet above the next highest required elevation and (ii) design documentation is prepared and sealed by a registered design professional using accepted engineering practices to demonstrate the adequacy of the proposed lower level of flood protection. The 100-year flood elevation map, plate WM 13.1 – Future Conditions, shall apply to new surface water management license applications, surface water management license applications for major redevelopment of existing sites, and surface

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water management license applications for major modifications submitted after June 30, 2021.

...

e) Minimum drainage:

...

4) Residential construction with ten (10) or less parking spaces in Broward County may be approved subject to the following conditions:

(aa) The lowest habitable building finished floor elevation shall be at or above the highest of: (i) eighteen (18) inches above the road crown, (ii) the most appropriate 100-year flood elevations, as determined in Subsection c) above, by the 100-year flood criteria elevation map, (Plate WM 13.1), the future conditions 100-year flood elevation map, plate WM 13.1 – Future Conditions; the site-specific post-development 100-year, 3-day flood stage; or 100-year flood elevations established by previously approved basin studies for local water control districts with self-contained water management systems; or (iii) the

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1 Federal Flood Insurance Rate maps,
2 or ~~eighteen (18) inches above the~~
3 adjacent road crown, whichever is
4 highest.

5 ...

- 6 i) Water supply sources: An evaluation of the impact of
7 the proposed surface water management system on
8 sources of water supply must be submitted with the
9 surface water management application. Cumulative
10 impacts ~~which~~ that may result from the construction
11 and operation of the proposed surface water
12 management system must be evaluated in conjunction
13 with the cumulative withdrawals of existing legal uses
14 of water.

15 ...

16 Section 3. Severability.

17 If any portion of this Ordinance is determined by any court to be invalid, the invalid
18 portion will be stricken, and such striking will not affect the validity of the remainder of this
19 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
20 legally applied to any individual, group, entity, property, or circumstance, such
21 determination will not affect the applicability of this Ordinance to any other individual,
22 group, entity, property, or circumstance.

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1 Section 4. Inclusion in the Broward County Code of Ordinances.

2 It is the intention of the Board of County Commissioners that the provisions of this
3 Ordinance become part of the Broward County Code of Ordinances as of the effective
4 date. The sections of this Ordinance may be renumbered or relettered and the word
5 "ordinance" may be changed to "section," "article," or such other appropriate word or
6 phrase to the extent necessary in order to accomplish such intention.

7 Section 5. Effective Date.

8 This Ordinance is effective as of the date provided by law.

9
10 ENACTED

PROPOSED

11 FILED WITH THE DEPARTMENT OF STATE

12 EFFECTIVE

13
14 Approved as to form and legal sufficiency:
15 Andrew J. Meyers, County Attorney

16 By /s/ Michael C. Owens 05/10/2021
17 Michael C. Owens (date)
18 Senior Assistant County Attorney

19 By /s/ Maite Azcoitia 05/10/2021
20 Maite Azcoitia (date)
21 Deputy County Attorney

22 MCO/gmb
23 Future Conditions 100-Year Flood Elevation Map Ordinance.docx
05/10/2021
24 #41027-0001

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