

ORDINANCE 712

AN ORDINANCE OF MEXICO BEACH, FLORIDA AMENDING THE MEXICO BEACH CITY CODE TO AMEND THE FLOODPLAIN REQUIREMENTS TO REQUIRE NEW STRUCTURES IN THE UNSHADED ZONE X ZONE TO BE 1 FOOT ABOVE THE CROWN OF THE ROAD OR CURB; TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE, BUILDING AND THE FLORIDA BUILDING CODE, RESIDENTIAL TO INCREASE MINIMUM ELEVATION REQUIREMENTS (FREEBOARD) USING FEMA'S DRAFT BEST AVAILABLE DATA MAP; DIRECTING STAFF TO DEVELOP PROPOSES RULES TO REQUIRE MITIGATION TO IMPACTS TO FLOODPLAIN; PROVIDING FOR FISCAL IMPACT STATEMENT, CODIFICATION, PENALTIES, APPLICABILITY, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Florida Statute 166.021 the City of Mexico Beach (the "City") shall have the governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, properties within the City experienced unprecedented damage due to Hurricane Michael, including damage from storm surge and flooding; and

WHEREAS, the City has determined that mitigating against future flood damage during the City's rebuilding process is in the best interest of the City; and

WHEREAS, the Federal Emergency Management Agency ("FEMA") is in the process of developing and completing a new Flood Insurance Rate Map for the City, but it will not be completed and ready for adoption by the City in the near future; and

WHEREAS, the best approximation of what is expected to be included on the completed Flood Insurance Rate Map is FEMA's "Draft Best Available Data Map;" and

WHEREAS, the Council after careful review, public hearing and consideration of the various state and federal administrative and regulatory recommendations finds that it is in the best interest of the City and appropriate to rely on the Draft Best Available Data Maps produced by the Federal Emergency Management Agency for establishing heightened minimal elevations (freeboarding) for certain flood hazard areas required for the issuance of construction and building permits; and

WHEREAS, the Florida Division of Disaster Management has concluded that freeboarding provides the following benefits and the City agrees with these conclusions:

- After flood events, buildings that are either above floodwater or only minimally flooded can be more quickly re-occupied, allowing people to get more quickly get back to their homes, businesses, and community.

- When people get back in their homes quickly, there's less cost burden on government at all levels (and nonprofits) because less temporary housing and other emergency assistance is needed.
- When families and businesses get back more quickly, they more quickly begin spending money locally, thus helping local tax revenues get back to more normal levels.
- People not covered by flood insurance have to pay for repairs out of pocket or get Small Business Administration loans. When buildings are higher, owners are less likely to have to dip into savings or borrow to pay for repairs.
- Several FEMA studies estimated that nearly 1 in 4 small businesses damaged in disasters end up closing for good: build higher and better protected, stay in business.
- Freeboard can be a creditable element in a local floodplain management program that qualifies for the Community Rating System. Communities that participate in the CRS qualify for lower flood insurance premiums in most flood-prone areas; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the Florida Building Code; and

WHEREAS, Chapter 553, Florida Statutes, allows for local technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

WHEREAS, the City Council is adopting a requirement to increase the minimum elevation requirement for buildings and structures in flood hazard areas for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the City Council has determined that it is in the public interest to adopt the proposed local technical amendments to the *Florida Building Code* and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 553.73(4), Florida Statutes; and

NOW THEREFORE, BE IT ORDAINED by the City Council of Mexico Beach, in the State of Florida as follows:

SECTION 1. The Mexico Beach Code of Ordinances, Chapter 152, Floodplain Requirements, Site Improvements, Utilities and Limitations, is hereby amended as follows, with new text bold and underlined and deleted text ~~stricken~~:

§ 152.170 NEW DEVELOPMENT.

All proposed new development shall be reviewed to determine that:

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

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

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

(D) In the unshaded Zone X, the elevation of the lowest finished floor of any new structure must be a minimum of twelve inches above the crown of the adjacent street providing access or twelve inches above the curb, whichever is greater. An administrative variance may be granted to the requirement for elevation above the street where the applicant demonstrates that the natural lay of the land provides adequate drainage away from the street and the proposed structure will be one foot above the highest adjacent grade.

SECTION 2. The Mexico Beach Code of Ordinances, Chapter 152, Floodplain Requirements, is hereby amended with the following technical amendments to the *Florida Building Code, Building*.

1612.4.2 Elevation requirements. For A, AE, and shaded X zones, minimum finish floor shall be 1.5 feet above the X (0.2%) flood elevation according to FEMA's "Draft Best Available Data Map" as it existed on the effective date of Ordinance 712.

SECTION 3. The Mexico Beach Code of Ordinances, Chapter 152, Floodplain Requirements, is hereby amended with the following technical amendments to the *Florida Building Code, Residential*.

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above ~~the~~ **1.5 feet above the X (0.2%) flood elevation according to FEMA's "Draft Best Available Data Map" as it existed on the effective date of Ordinance 712**base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.

2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus foot (305 mm), or not less than 3 feet (915 mm) if a depth number is not specified.

3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.

R322.3.2 Elevation requirements.

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting

the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above ~~the base flood elevation plus 2 feet 1 foot (305 mm)~~ **1.5 feet above the X (0.2%) flood elevation according to FEMA's "Draft Best Available Data Map" as it existed on the effective date of Ordinance 712** or the design flood elevation, whichever is higher.

2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

SECTION 4. FISCAL IMPACT STATEMENT.

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 5. MITIGATION TO IMPACTS TO FLOODPLAIN

The City Council directs staff to research rules and procedures to require mitigation for development impacts (including fill) to the 100-year floodplain and bring recommendations to the City Council for consideration to be included in the City Code or Land Development Code.

SECTION 6. CODIFICATION.

It is the intention of the City Council that the provisions of this Ordinance will become and be made a part of the Mexico Beach Land Development Code; and that sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the City Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Administrator, or the City Administrator's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 7. PENALTIES.

Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, 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 or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the Mexico Beach Building Department and or Mexico Beach City 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.

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

SECTION 8. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Mexico Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 9. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 10. REPEAL.

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 11. EFFECTIVE DATE.

This ordinance shall take effect immediately upon adoption.

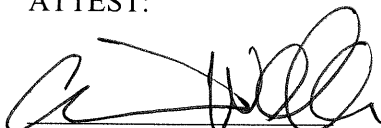
First reading January 22, 2019.

PASSED and ADOPTED with a quorum present and voting, by the City Council, upon second and final reading this 5th day of February, 2019.



William A. Cathey, Mayor

ATTEST:



CITY CLERK

