

ORDINANCE NO. O 2018-015

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE FOLLOWING SECTIONS OF CHAPTER 12, LAND DEVELOPMENT REGULATIONS: ARTICLE XVI, FLOODPLAIN MANAGEMENT ORDINANCE; SECTION 12- 548, FLOOD RESISTANT DEVELOPMENT, AND SECTION 12-503, DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes, the Town of Davie is authorized to protect the public health, safety, and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, stormwater management systems which utilize single-family homesites to meet the required wet or dry retention/detention requirement are prone to failure due to the actions of individual homeowners who may be unaware of the larger stormwater management system; and

WHEREAS, the wet and dry retention/detention areas of a development are most effectively managed as part of the common areas of a development which are under the control of a homeowners association of similar management entity; and

WHEREAS, the proposed ordinance is within the police power of the Town of Davie; and

WHEREAS, The Town Council finds that this Ordinance is necessary for the preservation of the public health, safety, and welfare of the Town's residents; and

WHEREAS, at a public hearing on March 14, 2018, the Planning and Zoning Board reviewed this ordinance and made a recommendation to Town Council; and

WHEREAS, following proper notice to the public and after having received input and participation from interested members of the public and staff, and having considered the recommendation of the Planning and Zoning Board, the Town Council finds this proposed ordinance consistent with its Comprehensive Plan, as amended, as well as Florida and Federal law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. Article XVI, Floodplain Management Ordinance, is hereby amended as set forth in Exhibit "A".

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. This Ordinance shall become effective immediately upon passage and adoption.

PASSED ON FIRST READING THIS 21<sup>ST</sup> DAY OF MARCH, 2018.

PASSED ON SECOND READING THIS 4<sup>TH</sup> DAY OF APRIL, 2018.

  
\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

  
\_\_\_\_\_  
TOWN CLERK

APPROVED THIS 4<sup>TH</sup> DAY OF APRIL, 2018.

Approved as to Form and Legality:

  
\_\_\_\_\_  
TOWN ATTORNEY

## EXHIBIT "A"

### Sec. 12-503. – Definitions.

*Lot area.* The area contained within the boundary lines of a lot excluding easements or rights-of-way for public or private roads, primary utility transmission lines, ~~water management or drainage district canals, lakes and stormwater management facilities.~~

## ARTICLE XVI. – FLOODPLAIN MANAGEMENT ORDINANCE

### Sec. 12-548. - Flood resistant development.

(A) *Buildings and structures.*

- (1) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to Section 12-544(B)(1) of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 12-548(G) of this article.

(B) *Subdivisions.*

- (1) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, 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.
- (2) *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:
  - (a) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
  - (b) Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 12-545(B)(2) of this article; and
  - (c) Compliance with the site improvement and utilities requirements of Section 12-548(C) of this article.

(C) *Site improvements, utilities and limitations.*

- (1) *Minimum requirements.* 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) No portion of any single-family residential lot shall be used to meet the minimum stormwater detention or retention requirements (wet or dry), regardless of whether these are requirements of the Town, an independent water control district or any combination of such requirements. The provisions of this paragraph (d) shall not apply to the construction of one (1) single-family detached dwelling on a lot lawfully established prior to January 1, 2018.

- (2) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
- (3) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- (4) *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 Section 12-545(C)(1) of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- (5) *Limitations on placement of fill.* Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, 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.

D. *Manufactured homes.*

- (1) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article.
- (2) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this article.
- (3) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

- (4) *General elevation requirement.* All manufactured homes that are placed, replaced, or substantially improved shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).
  - (5) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.
  - (6) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.
- (E) *Recreational vehicles and park trailers.*
- (1) Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
    - (1) Be on the site for fewer than one hundred eighty (180) consecutive days; or
    - (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
  - (2) Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 12-548(E)(1) of this article for temporary placement shall meet the requirements of Section 12-548(D) of this article for manufactured homes.
- (F) *Tanks.*
- (1) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
  - (2) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of Section 12-548(F)(3) of this article shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
  - (3) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
  - (4) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
    - (a) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
    - (b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- (G) *Other development.*
- (1) 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 article or the Florida Building Code, shall:
    - (1) Be located and constructed to minimize flood damage;
    - (2) Meet the limitations of subsection 12-548(C)(4) of this article if located in a regulated floodway;

- (3) 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) Be constructed of flood damage-resistant materials; and
  - (5) 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.
- (2) 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 subsection 12-548(C)(4) of this article.
  - (3) 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 subsection 12-548(C)(4) of this article.
  - (4) 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 (1) side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 12-548(C)(4) of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 12-548(C)(3) of this article.

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

Item Number: 35.

**To:** Mayor and Councilmembers**From:** David Quigley, Planning and Zoning Manager (954-797-1075)**Prepared By:** David Quigley, Planning and Zoning Manager (954-797-1075) - Planning Zoning**Subject:** Ordinance**Affected District:** Town Wide**Item Request:** Schedule for Council Meeting

**Title of Agenda Item:** **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE FOLLOWING SECTIONS OF CHAPTER 12, LAND DEVELOPMENT REGULATIONS: ARTICLE XVI, FLOODPLAIN MANAGEMENT ORDINANCE; SECTION 12-548, FLOOD RESISTANT DEVELOPMENT, AND SECTION 12-503, DEFINITIONS, PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on first reading on March 21, 2018. In a roll call vote: Mayor Paul - yes; Vice-Mayor Caletka - yes; Councilmember Luis - yes; Councilmember Hattan - yes; Councilmember Starkey - yes. (Motion carried 5-0)}**

**Executive Summary:** The proposed ordinance would prohibit the use of single-family lots for meeting the minimum detention/retention requirements. This would ensure that the key elements of each community's stormwater system are located on a common parcel under the control of a homeowner's association.

**Key Points:**

- On new development projects, wet and dry detention/retention areas must meet the minimum standards of the particular water management district and the water management district is responsible for ensuring that swales, lakes and similar features are maintained so as to function as designed. Stormwater management systems which rely on detention/retention areas within single-family lots are subject to failure over time as individual lot owners modify their properties, e.g., by re-grading, adding fill and landscaping. Even though stormwater management areas are subject to water management district casements, these types of incremental changes can be difficult to detect and time consuming to enforce on a lot-by-lot basis.
- The proposed ordinance would prohibit the use of single-family lots for meeting the minimum detention/retention requirements. This would ensure that the key elements of each community's stormwater system are located on a common parcel under the control of a homeowner's association. The ordinance does not prohibit a residential lot from being used as part of a Lake Maintenance Easement (which does not materially affect the volume of detention/retention).
- A general exception is provided for construction of one single-family dwelling on a lot of record.
- Staff coordinated with the District Manager of the Central Broward Water Control District in the drafting of this ordinance.

**Previous Actions:**

**Concurrences:** This item is scheduled for the March 14, 2018 Planning and Zoning Board meeting (recommendation to be provided by separate memorandum).

**Fiscal Impact:**

Has request been budgeted? N/A

If yes expected cost:

Account name and number:

If no, amount needed:

Account name funds will be appropriated from

Additional Comments

**Recommendation:** Motion to approve**Strategic Goals This Item Supports:**

None

## ATTACHMENTS:

File Name	Description
 <a href="#">0_ord_stormwater_02-27-18.pdf</a>	Ordinance