



Agenda Item #_R - 8 _____

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

PUBLIC HEARING FOR FIRST READING AND APPROVAL OF ORDINANCE NO. 1054, AMENDING CHAPTER 11.5. FLOODPLAIN MANAGEMENT. TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS AND REFORMAT LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE.

Issue:

The Village of Royal Palm Beach participates in the National Flood Insurance Program (“NFIP”) and the Village desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation. The Federal Emergency Management Agency (“FEMA”) has revised and reissued the Flood Insurance Study (“FIS”) for Palm Beach County, Florida and Incorporated Areas, with an effective date of December 20, 2024. Chapter 553, Florida Statutes, allows for local administrative and 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 NFIP and incentives.

Village Staff is proposing to amend Chapter 11.5. Floodplain Management. at:

- Sec. 11.5-2. Applicability. to update the FIS and Flood Insurance Rate Map date;
- Sec. 11.5-20. Definitions. to correct a scrivener’s error (extra spacing) to combine paragraphs in the definition for the term “start of construction”;
- Sec. 11.5-30. Buildings and structures. to allow accessory structures in flood hazard areas under certain circumstances; and
- Sec. 11.5-37. Amendments to the Florida Building Code. to remove local amendments regarding elevation requirements which have become part of Section 11.5-30 and reserve the section heading.

A Business Impact Estimate is also attached as required by Section 166.041(4), Florida Statutes.

Recommended Action:

Staff recommends Approval of Ordinance No. 1054 on first reading.

Initiator:	Village Manager	Agenda Date	Village Council
GIS Manager	Approval	11-21-2024	Action



Business Impact Estimate

As required by Sec. 166.041(4), *Florida Statutes* (2024), this “Business Impact Estimate” is provided for Ordinance No. 1054:

ORDINANCE NO. 1054

AN ORDINANCE BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH AMENDING THE CODE OF ORDINANCES AT CHAPTER 11.5. FLOODPLAIN MANAGEMENT. TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS AND REFORMAT LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 11.5. FLOODPLAIN MANAGEMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Part I. Summary of the proposed ordinance and statement of public purpose: Ordinance No. 1054 recognizes and adopts the December 2024 FEMA Flood Insurance Study and rate maps. There are no substantive changes to the Village’s floodplain management code as a result of adopting this ordinance.

Part II. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Village of Royal Palm Beach:

- a. **Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted:** None.
- b. **Identification of any new charges or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:** None.
- c. **An estimate of the Village of Royal Palm Beach’s regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.** No change from pre-ordinance costs.

Part III. Good faith estimate of the number of businesses likely to be impacted by the ordinance: None.

Part IV. Additional Information (if any): Adoption of Ordinance No. 1054 is required to allow Village property owners to continue to participate in the National Flood insurance Program.

ORDINANCE NO. 1054

AN ORDINANCE BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH AMENDING THE CODE OF ORDINANCES AT CHAPTER 11.5. FLOODPLAIN MANAGEMENT. TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS AND REFORMAT LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 11.5. FLOODPLAIN MANAGEMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Village of Royal Palm Beach participates in the National Flood Insurance Program and the Village Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas, with an effective date of December 20, 2024; and

WHEREAS, the Village Council has determined that it is in the public interest to amend Chapter 11.5 to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Maps; and

WHEREAS, Chapter 553, Florida Statutes, allows for local administrative and 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 Village Council previously adopted local amendments to the Florida Building Code and is reformatting those amendments as part of Section 11.5-30.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

Section 2: Chapter 11.5. Floodplain Management. of the Code of Ordinance of the Village of Royal Palm Beach is hereby amended at Article I. Administration., Sec. 11.5-2. Applicability. to revise the date of the most recent applicable flood insurance study; providing that Sec. 11.5-2. shall hereafter read as follows:

Sec. 11.5-2. - 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.* This ordinance shall apply to all flood hazard areas within the Village of Royal Palm Beach, Florida, as established in section 11.5-2(c) of this ordinance.
- (c) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas dated December 20, 2024~~October 5, 2017~~, 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. The Flood Insurance Study and FIRMs, and the land area adjacent to the special flood hazard area that is below the base flood elevation plus one (1) foot is the basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the clerk's office.
- (d) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 11.5-5 of this ordinance 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:
 - (1) Are below the closest applicable base flood elevation, even in areas not delineated as a flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.

(2) Are above the closest applicable base flood elevation, the area shall be regulated as flood hazard area unless the applicant obtains a letter of map change that removes the area from the flood hazard area.

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

(f) *Abrogation and greater restrictions.* This ordinance 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, storm water management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance 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.

(g) *Interpretation.* In the interpretation and application of this ordinance, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 3: Chapter 11.5. Floodplain Management. of the Code of Ordinance of the Village of Royal Palm Beach is hereby amended at Article II. Definitions., Sec. 11.5-20. Definitions. to correct a scrivener's error (extra spacing) to combine paragraphs in the definition for the term "start of construction"; providing that Sec. 11.5-20. shall hereafter read as follows:

Sec. 11.5-20. Definitions.

[Subparts (a)-(c) shall remain the same as previously adopted.]

(d) *Definitions.*

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (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. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

[All other definitions shall remain the same as previously adopted.]

Section 4: Chapter 11.5. Floodplain Management. of the Code of Ordinance of the Village of Royal Palm Beach is hereby amended at Article III. Flood Resistant Development., Sec. 11.5-30. Buildings and structures. to allow accessory structures in flood hazard areas under certain circumstances; providing that Sec. 11.5-30. shall hereafter read as follows:

Sec. 11.5-30. Buildings and structures.

- (a) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to section 11.5-4.c of this ordinance, 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 11.5-36 of this ordinance.
- (b) *Critical facilities not permitted.* New critical facilities shall not be permitted in special flood hazard areas and in areas identified on the FIRM as areas of 0.2 percent annual chance flood, identified as Zone X (shaded).
- (c) *Elevation requirements for areas other than special flood hazard areas (Zone X).* All new buildings located in the areas other than special flood hazard established in section 11.5-2(c), identified on the FIRM as Zone X (shaded and unshaded), shall:

- (1) For new residential buildings, have the lowest floor (including basement) elevated at least eighteen (18) inches above the crown of all streets adjacent to the plot on which such building is located.
- (2) For new nonresidential buildings, shall either have the lowest floor, including basement, elevated at least six (6) inches above the crown of all streets adjacent to the plot upon which such building is located or, together with attendant utility and sanitary facilities, be dry floodproofed in conformance with the requirements of ASCE 24; designs and specifications for dry floodproofing shall be certified by a registered professional engineer or architect as meeting the requirements of ASCE 24.
- (3) For new buildings on land adjacent to the special flood hazard area that is below the base flood elevation plus one (1) foot:
 - (i) For residential buildings, the lowest floor shall be elevated as specified in paragraph (c)(1) of this section or at or above the base flood elevation plus one (1) foot, whichever is higher.
 - (ii) For nonresidential buildings, the lowest floor, or the level of dry floodproofing, shall be as specified in paragraph (c)(2) of this section or at or above the base flood elevation plus one (1) foot, whichever is higher.
- (d) *Non-elevated accessory structures.* Accessory structures are permitted below elevations required by the Florida Building Code provided the accessory structures are used only for parking or storage and:
 - (1) Are one-story and not larger than six hundred (600) square feet.
 - (2) Have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
 - (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
 - (4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
 - (5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

(e) Florida Building Code, amendments. Accessory structures are permitted below elevations required by the Florida Building Code provided the accessory structures are used only for parking or storage and:

(1) Where fill is used to elevate dwellings, the fill shall be designed and placed in conformance with the use of fill requirements in ASCE 24 and shall be protected from erosion and scour.

(2) In the Florida Building Code, Building, and Florida Building Code, Existing Building, definitions for the term "Substantial Improvement" shall be as defined in section 11.5-20(d) of this ordinance.

Section 5: Chapter 11.5. Floodplain Management. of the Code of Ordinance of the Village of Royal Palm Beach is hereby amended at Article III. Flood Resistant Development., Sec. 11.5-37. Amendments to the Florida Building Code. to remove local amendments regarding elevation requirements which have become part of Section 11.5-30 and reserve the section heading; providing that Sec. 11.5-37. shall hereafter read as follows:

Sec. 11.5-37. – Reserved. Amendments to the Florida Building Code.

~~(a) Florida Building Code, Residential. The Florida Building Code, Residential is hereby amended by the following technical amendments, and shall hereafter read as follows:~~

~~**R322.2.5 Use of fill.** Where fill is used to elevate dwellings, the fill shall be designed and placed in conformance with the use of fill requirements in ASCE 24 and shall be protected from erosion and scour.~~

~~**R506.2.1 Fill.** Fill material shall be free of vegetation and foreign material. The fill shall be compacted to assure uniform support of the slab, and except where approved, the fill depths shall not exceed 24 inches for clean sand or gravel and 8 inches for earth. Where used in flood hazard areas, fill shall be designed and placed in conformance with the use of fill requirements in ASCE 24 and shall be protected from erosion and scour.~~

~~(b) Florida Building Code, Building. The Florida Building Code, Building is hereby amended by the following technical amendments, and shall hereafter read as follows:~~

~~Amend the definition of "SUBSTANTIAL IMPROVEMENT" as follows:~~

~~**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 5-~~

~~year period, the cumulative cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 5-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to May 4, 2017. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:~~

- ~~1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.~~
- ~~2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.~~

~~(c) *Florida Building Code, Existing Building.* The Florida Building Code, Existing Building is hereby amended by the following technical amendments, and shall hereafter read as follows:~~

~~Amend the definition of "SUBSTANTIAL IMPROVEMENT" as follows:~~

~~**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 5-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to May 4, 2017. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:~~

- ~~1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.~~
- ~~2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.~~

Section 6: Each and every other Section and Sub-section of Chapter 11.5. Floodplain Management. shall remain in full force and effect as previously enacted.

Section 7: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 8: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 9: Specific authority is hereby granted to codify this Ordinance.

FIRST READING this 21st day of November, 2024.

SECOND AND FINAL READING this 19th day of December, 2024.

VILLAGE OF ROYAL PALM BEACH

MAYOR JEFF HMARA

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK