

ORDINANCE NO. 009-2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, SPECIFICALLY AT ARTICLE I, IN GENERAL, SECTION 18-1, DATUM PLANE ADOPTED; AND AT ARTICLE IV, FLORIDA BUILDING CODE, DIVISION 2, FLORIDA BUILDING CODE TECHNICAL AMENDMENTS FOR FLOODING, SECTION 18-244, AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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 Town of Palm Beach, Florida participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 6 community, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, the official datum plane referenced on FEMA Flood Insurance Rate Maps (FIRM) is the North American Vertical Datum (NAVD); and

WHEREAS, the current version of the Florida Building Code, Residential (Seventh Edition, 2020), now contains specific code requirements for building and structure elevations and enclosed areas and walls constructed below design flood elevations; and

WHEREAS, the Town Council of the Town of Palm Beach has determined it appropriate to repeal previously adopted local technical amendments to the Florida Building Code, Residential.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. Chapter 18, Buildings and Building Regulations, the Town Code of Ordinances, is hereby amended at Article I, Section 18-1, as follows:

"Sec. 18-1. Datum plane adopted.

The official datum plane to be used in the town is hereby declared to be the North American Vertical Datum (NAVD). ~~National Geodetic Vertical Datum (NGVD)~~. The secondary datum plane to be used in the town is hereby declared to be the National Geodetic Vertical Datum (NGVD). ~~North American~~

Vertical Datum (NAVD). Reference to NAVD should be included with a local conversion table when NGVD is provided on documents for town review."

Section 2. Chapter 18, Buildings and Building Regulations, the Town Code of Ordinances, is hereby amended at Article IV, Florida Building Code, Division 2, Florida Building Code Technical Amendments for Flooding, Section 18-244, as follows:

"Sec. 18-244. Amendments. Reserved.

The following sections of the Florida Building Code—Residential are hereby amended as follows:

~~R322.2.1 Elevation requirements.~~

- ~~1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus six inches or the design flood elevation, whichever is higher.~~*
- ~~2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus one foot (305 mm), or to the design flood elevation, whichever is higher.~~*
- ~~3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus six inches, or at least 2.5 feet if a depth number is not specified.~~*
- ~~4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus six inches or the design flood elevation, whichever is higher.~~*

~~Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.~~

~~R322.2.2 Enclosed areas below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:~~

- ~~1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).~~*
- ~~2. Be provided with flood openings that meet the following criteria:~~*
 - ~~2.1. There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings on exterior walls.~~*
 - ~~2.2. The total net area of all openings shall be at least one square inch (645 mm²) for each square foot (0.093 m²) of enclosed area, or the openings shall be designed and the construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 22.6.2.2 of ASCE 24.~~*
 - ~~2.3. The bottom of each opening shall be one foot (305 mm) or less above the adjacent ground level.~~*
 - ~~2.4. Openings shall be not less than three inches (76 mm) in any direction in the plane of the wall.~~*
 - ~~2.5. Any louvers, screens or other opening covers shall allow the automatic flow of floodwaters into and out of the enclosed area.~~*

~~2.6. Openings installed in doors and windows, that meet requirements 2.1 through 2.5, are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.~~

~~R322.3.2 Elevation requirements.~~

- ~~1. All buildings and structures erected within coastal high hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus six inches 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.~~

~~Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.~~

~~R322.3.4 Walls below design flood elevation. Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:~~

- ~~1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and~~
- ~~2. Are constructed with insect screening or open lattice; or~~
- ~~3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than ten (470 Pa) and no more than 20 pounds per square foot (958 Pa); or~~
- ~~4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:~~
 - ~~4.1. The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.~~
 - ~~4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.~~

~~R322.3.5 Enclosed areas below the design flood elevation. Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the Fire Code. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator)."~~

Section 3. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 11th day of May, 2022, and for second and final reading on this 15th day of June, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Pat Gayle-Gordon, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member