

ORDINANCE NO. 11-1582

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 "FLOODS" AND SPECIFICALLY SECTION 42-26 "STATUTORY AUTHORIZATION"; SECTION 42-41 "DEFINITIONS"; SECTION 42-57 "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD"; SECTION 42-77 "DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR"; SECTION 42-92 "SPECIFIC STANDARDS"; SECTION 42-95 "COASTAL HIGH HAZARD AREAS (V-ZONES)"; AND SECTION 42-114 "CONDITIONS FOR VARIANCES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside ("Town") from time to time at the request of the State Floodplain Management Office must amend its FEMA Ordinance (Chapter 42 "Floods"); and

WHEREAS, the Commission has now been asked to modify floodplain management regulations to continue to comply with state guidelines and recommendations addressing the specific needs of the this unique community and as may best suit the needs of the community;

WHEREAS, the Town Commission held its first public hearing on September 13, 2011 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on October 11, 2011.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

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

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

ARTICLE II. FLOOD DAMAGE PREVENTION*

DIVISION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

Sec. 42-26. Statutory authorization.

The Legislature of the State of Florida has authorized and delegated in Chapter 125 [counties] and 166 [municipalities] Florida Statutes, the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town Commission of Town of Surfside does hereby adopt the following floodplain management regulations.

DIVISION 2. DEFINITIONS

Sec. 42-41. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

Existing construction means, for the purposes of floodplain management, structures for which "the start of construction" commenced before September 29, 1972, the date of the initial flood plain management regulations insurance rate map (FIRM). ~~Existing construction, means for the purposes of determining rates structures for which the "start of construction" commenced before the effective date of the first FIRM or before January 1, 1975, for FIRMs effective before that date. This term may also be referred to as "existing structures".~~

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 29, 1972.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction means, for floodplain management purposes, any structure for which the "start of construction" commenced on or after September 29, 1972, the effective date of the initial floodplain management ~~regulations code, ordinance, or standard~~ based upon specific technical base flood elevation data that establishes the area of special flood hazard ~~—include only one date.~~ The term also includes any subsequent improvements to such structures. ~~For flood insurance rates, structures for which the start of construction commenced on or after the effective date of the date of an initial FIRM or after December 31, 1974, whichever is later—include only one date, and includes any subsequent improvements to such structures.~~

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 29, 1972.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure taking place during a five year consecutive period, in which the cumulative costs of such improvements equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. All substantially improved residential structures shall have the lowest floor elevated to or above the base flood elevation, and all horizontal expansions shall likewise have the lowest floor of the expansion elevated to or above the base flood elevation. This term does not, however, include any repair or improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions. This term does not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

DIVISION 3. GENERAL PROVISIONS

Sec. 42-57. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study (FIS) for ~~the Town of Surfside (Community Number 120659)~~ Miami-Dade County, dated, September 11, 2009, with the accompanying maps and other supporting data, ~~(FIRM maps dated September 11, 2009, Map Numbers 12086C0144L, 12086C0163L, 12086C0307L, and 12086C0326L),~~ and any revisions thereto, are adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and Flood Insurance Rate Maps are on file at 9293 Harding Avenue, Town of Surfside, FL 33154.

DIVISION 4. ADMINISTRATION

Sec. 42-77. Duties and responsibilities of the floodplain administrator.

Duties of the administrator shall include, but are not be limited to:

(4) Notify adjacent communities, the ~~department of community affairs, Florida~~ Division of Emergency Management State Floodplain Management Office, the South Florida Water Management District, the Federal Emergency Management Agency and other federal and/or State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;

(13) Notify FEMA within six months when new technical or scientific data becomes available to the community concerning physical changes affecting flooding conditions so that risk premium rates and floodplain management requirements will be based on current data.

DIVISION 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 42-92. Specific standards.

In all A-zones where base flood elevation data have been provided (zones AE, AI-30, and AH), as set forth in division 3, section 42-57, the following provisions shall apply:

(1) *Residential construction.* All new construction of any residential building (including manufactured home) ~~that meets the criteria of substantial improvement as may be amended from time to time by FEMA~~ shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of flood hydrostatic forces on both sides of the exterior walls shall be provided in accordance with standards of division 5, subsection 42-92(3).

(2) *Nonresidential construction.* All new construction of any commercial, industrial, or nonresidential building (including manufactured home) ~~s that meets the criteria of substantial improvement as may be amended from time to time by FEMA~~ shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. All buildings located in A-zones may be floodproofed, in lieu of being elevated, provided that all areas of the building components below the base flood elevation plus one foot are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the FEMA Floodproofing Certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the floodplain administrator.

~~(6) For all structures located seaward of the coastal construction control line (CCCL), the lowest floor of all new construction and substantial improvements shall be elevated to the regulatory flood elevation established by the Florida Department of Environmental Protection or by FEMA in accordance with division 3, section 42-57, whichever is higher. All non-elevation design requirements of division 5, section 42-95 shall apply.~~

Sec. 42-95. Coastal high hazard areas (V-zones).

Located within areas of special flood hazard established in division 3, section 42-57 are coastal high hazard areas, designated as zones V1-30, VE, or V (with BFE). The following provisions shall apply for all development activities:

(11) For all structures located seaward of the coastal construction control line (CCCL), the bottom of the lowest horizontal structural member of the lowest floor of all new construction and substantial improvements shall be elevated to the flood elevation established by the Florida Department of Environmental Protection or to no lower than one foot above the base flood elevation, whichever is the higher. All non-elevation design requirements division 5, subsection 42-95(2) through (11) shall apply.

DIVISION 6. VARIANCE PROCEDURES

Sec. 42-112. Duties of variance and appeals board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the floodplain management administrator in the enforcement or administration of this article. Any person aggrieved by the decision of the board may appeal such decision to the circuit court.

Sec. 42-114. Conditions for variances.

(4) The floodplain administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances ~~in the community's NFIP Biennial Report or upon request to FEMA and the State of Florida Division of Emergency Management State Floodplain Management Office, department of community affairs, NFIP Coordinating Office.~~

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.


Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.


PASSED and ADOPTED on first reading this 13 day of September 2011.

PASSED and ADOPTED on second reading this 11th day of Oct, 2011.



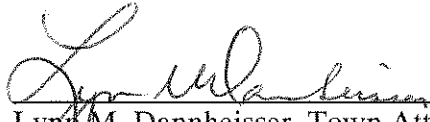
Daniel Dietch, Mayor

Attest:



John Di Censo
Interim Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: Commissioner Karukin

On Second Reading Seconded by: Commissioner Olchyck

Vote:

Mayor Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Graubart	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Karukin	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Kopelman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Olchyck	yes	<input type="checkbox"/>	no	<input type="checkbox"/>

ABSENT AT
TIME OF VOTE