

Condensed Title:

An Ordinance Repealing Chapter 54 Of The City Code, Entitled "Floods," In Its Entirety And Replacing It with A New Section, As Required To Comply With The Participating Criteria Of The National Flood Insurance Program (NFIP) And The Floodplain Management Related Requirements Of The State Of Florida, As Required By Federal Emergency Management Agency (FEMA).

Key Intended Outcome Supported:

Make City More Business Friendly.

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Issue:

Shall the Mayor and City Commission approve the revisions to the Ordinance

Item Summary/Recommendation:

FIRST READING

On August 11, 2009, the City of Miami Beach was notified by FEMA that it needed to amend the existing Floodplain Management Ordinance to satisfy 44 Code of Federal Regulations (CFR) Section 60.3 (e) of the National Flood Insurance Program (NFIP) regulations.

FEMA indicated that the City needed to adopt a revised ordinance by September 11, 2009; however, FEMA has granted an extension until October 2009 to adopt the changes.

The proposed new ordinance incorporates many changes, the most important of which are:

- The definition of "Substantial improvement" is being modified to consider only the improvements over a five year period, as opposed to the improvements over a ten year period in the current ordinance.
- The definition of hardship was added which may change what does or does not qualify for a variance.
- Division 2. Delegates the responsibility to implement the program to the Building Director
- Division 2, Section 54-67 -New Requirement. Requires Administrator (Building Director) to coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA

The Administration recommends approving the Ordinance on First Reading and scheduling a Second Reading Public Hearing.

Financial Information:

Source of Funds:		Amount	Account
	1		
	2		
OBPI	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

N/A

Sign-Offs:

Department Director	Assistant City Manager	City Manager
AR 	N/A	JMG 

T:\AGENDA\2009\July 15\Consent\RFP for Building Inspection and Plan Review-Summary.doc





MIAMI BEACH

City of Miami Beach, 1700 convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

FIRST READING

DATE: September 9, 2009

SUBJECT: **AN ORDINANCE REPEALING CHAPTER 54 OF THE CITY CODE, ENTITLED FLOODS," IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION, AS REQUIRED TO COMPLY WITH THE PARTICIPATING CRITERIA OF THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) AND THE FLOODPLAIN MANAGEMENT RELATED REQUIREMENTS OF THE STATE OF FLORIDA, AS REQUIRED BY FEMA; PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Approve the Ordinance on first reading and schedule a second reading public hearing.

ANALYSIS

On August 11, 2009, the City of Miami Beach was notified by FEMA that it needed to amend the existing Floodplain Management ordinance to satisfy 44 Code of Federal Regulations (CFR) Section 60.3 (e) of the National Flood Insurance Program (NFIP) regulations.

FEMA indicated that the City needed to adopt a revised ordinance by September 11, 2009; however, FEMA has granted an extension until October 2009 to adopt the changes.

Below is a summary of the proposed changes, the most important of which are underlined:

- The definition of "Substantial improvement" is being modified to consider only the improvements over a five year period, as opposed to the improvements over a ten year period in the current ordinance.
- The definition of hardship was added which may change what does or does not qualify for a variance.
- Section 54-42- Restricts fines to a maximum of \$500. Before, the Ordinance referred to Section 1-14.
- Division 2, Section 54-67 – Additional notification requirement prior to any alteration or relocation of a watercourse to the Division of Emergency Management – NFIP Coordinating Office, South Florida Water Management District, the Federal Emergency Management Agency, and other Federal and/or State of Florida Agencies with statutory or regulatory authority.
- Division 2. Delegates the responsibility to implement the program to the Building Director

- Division 2, Section 54-67 -New Requirement. Requires Administrator (Building Director) to coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA.
- Division 2, Section 54-69 (1) (e) – Requires the elevation, in relation to mean sea level of the bottom of the lowest horizontal structural member of the lowest floor, to be provided at the application stage.
- Division 2, Section 54-70 (4)- Requires additional record keeping and reporting of variances to NFIP and upon request to FEMA, of Community Affairs, NFIP Coordinating Office.
- Division 2, Section 54-70 (E) – Requires additional record keeping for variance notifications. “A copy of the notice shall be recorded by the Building Director in the Office of the Clerk of Court and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.”
- Division 3, Section 54-91 (6) - Additional drainage requirement to the General Standards of Flood Hazard Reduction Provisions.
- Division 3, Section 54-91 (13) – Provides specific requirements for subdivisions. The requirements are similar than for new construction and substantial improvements.
- Division 3, Section 54-91 (14) (15)- Clarifies that when structure is partially located in a special flood hazard zone or located in multiple flood risk zones, the entire structure should meet the strictest standard.
- Division 3- Section 54-92 B (2)(ii)- Clarifies that manufactured homes need to be adequately anchored.
- Division 3, Section 54-92 B (5)- Provides additional drainage requirement to the Specific Standards.
- Division 3, Section 54-92 B (6)(7).- The requirements for streams and waterways have been divided in two sections (6&7): one for streams for which base flood elevation has been provided by FEMA without delineation, and the second for waterways. More specific requirements have been added.
- Division 3. Section C- Added Section discussing Specific Standards for A Zones without base flood elevations and regulatory floodways. Requirements are not different from those in General Standard and Division 2 Section 54-67, except for (7) –lowest floor shall be elevated no lower than three feet above the highest adjacent grade.
- Division 3- Section D- Added Section. Discusses Standards for AO Zones. Specifies lowest floor elevation requirement, flood proofing, drainage and fully enclosed areas below lowest floor requirements.

There are other minor definitional or stylistic changes that are not included in this summary.

CONCLUSION

The Administration recommends that the City Commission approve on first reading and schedule a second reading public hearing.

ORDINANCE TO BE SUBMITTED