Memorandum

MIAMI-DADE COUNTY

Date: (Second Reading 7-21-09)
May 5, 2009

Agenda Item No. 7(A)

To: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Amending Chapter 11C of the Code of Miami-Dade County, Florida, Adopting the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS); Adopting the Federal Emergency Management (FEMA) Flood Insurance Summary of Map Actions, Dated March 11, 2009

Recommendation
It is recommended that the Board of County Commissioners approve the attached ordinance amending Chapter 11C of the Code of Miami-Dade County, Florida, adopting the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS), and adopting the Federal Emergency Management (FEMA) Flood Insurance Summary of Map Actions dated March 11, 2009.

Scope
The proposed ordinance involves environmental permitting and regulation with respect to floodplain management in the unincorporated areas of Miami-Dade County.

Fiscal Impact/Funding Source
This ordinance will have no fiscal impact on Miami-Dade County.

Track Record/Monitor
N/A

Background
In 1970, the Federal Insurance Administration declared the entire area of Miami-Dade County eligible for federally assisted flood insurance, the purpose of which is to mitigate the effects of damages from natural disasters such as hurricanes and severe storms and their attendant flooding. In 1971, Miami-Dade County established measures required under the Federal Insurance Program in order to secure flood insurance coverage under the National Flood Insurance Act of 1968 by enacting Chapter 11C of the Code of Miami-Dade County. By implementing the provisions of this chapter, the County is able to comply with federally imposed requirements and provide for the continued eligibility in the National Flood Insurance Program (NFIP). One of the critical components of meeting federal requirements is to adopt the FEMA approved Flood Insurance Rate Map (FIRM), the associated Flood Insurance Study (FIS) for Miami-Dade County, and the Federal Emergency Management (FEMA) Flood Insurance Summary of Map Actions dated March 11, 2009.

On February 26, 2008, the United States Department of Homeland Security's Federal Emergency Management Agency (FEMA) notified Miami-Dade County of proposed modified flood elevation determinations which affect the FIRM and FIS currently in place for Miami-Dade County. FEMA has issued to Miami-Dade County the Flood Insurance Summary of Map Actions dated March 11, 2009, which establishes the new Base Flood Elevations in unincorporated areas of Miami-Dade County. This action will be published in the Federal Register in the near future. The new FIRM and FIS will become effective September 11, 2009 and will replace the FIRM and FIS that are now presently in effect. In order to fully

comply and maintain Miami-Dade County's eligibility in the NFIP, the revised FIRM and FIS are required to be adopted into the Code of Miami-Dade County. Until the new FIRM and FIS become effective, FEMA is requiring Miami-Dade County to utilize the Base Flood Elevations set forth in the Flood Insurance Summary of Map Actions dated March 11, 2009.

In February 2008, Miami-Dade County, in cooperation with FEMA, the South Florida Water Management District and participating municipalities, held public meetings at seven locations throughout the County to present the proposed FIRM modifications to the public and provide the public with an opportunity to comment on the proposed modifications.

The attached proposed ordinance contains amendments to Chapter 11C of the Code to adopt the new FIRM and FIS, which have an effective date of September 11, 2009, and the Flood Insurance Summary of Map Actions dated March 11, 2009. This is necessary to continue meeting the federal requirements and for Miami-Dade County to remain eligible for the NFIP.

The FIRM, FIS, and Flood Insurance Summary of Map Actions have been compiled on a compact disc (CD) and will be maintained on file in read-only format in the Office of the Clerk of the Courts, the Miami-Dade County Planning and Zoning Department, the Miami-Dade County Department of Public Works and in the Office of the Director of the Miami-Dade County Department of Environmental Resources Management, and their respective successors, if any. This read-only CD is a public record open to public inspection.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: July 21, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Mayor's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
7-21-09

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 11C OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) AND FLOOD INSURANCE STUDY (FIS); ADOPTING THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE FINAL SUMMARY OF MAP ACTIONS DATED MARCH 11, 2009; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 11C of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Chapter 11C DEVELOPMENT WITHIN FLOOD HAZARD DISTRICTS*

Sec. 11C-1. Statement of legislative intent.

The coastal areas of Miami-Dade County, Florida, are subject to flooding resulting in danger to life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. The Board of County Commissioners of Miami-Dade County, by Resolution No. R-671-69, adopted on May 28, 1969, expressed willingness to take action necessary to meet the objectives of the National Flood Insurance Act of 1968 within Miami-Dade County, Florida; and by Resolution No. R-912-70, adopted on July 24, 1970, reaffirmed its interest in securing flood insurance coverage under said act, and agreed to establish by December 31, 1971, measures required under the Federal Insurance Program. In August of 1970, the Federal Insurance Administration declared the entire area of Miami-Dade County

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

eligible for federally assisted flood insurance, which insurance will mitigate the effects of damages from such natural disasters as hurricanes and severe storms and their attendant flooding. This chapter is adopted to insure the continued availability of said flood insurance; to comply with federally imposed requirements; and to protect the public health, safety and general welfare, by minimizing flood losses in the coastal areas of Miami-Dade County, and to require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; control filling, grading, dredging and other development which may increase erosion or flood damage; and to insure that potential home buyers are notified that property is in a flood area.

* * *

Sec. 11C-7. Application of chapter.

(a) This chapter shall apply to and be enforced in the unincorporated areas of [[~~the county~~]]>>Miami-Dade County<<.

(b) [[~~Those maps referred to in Section 11C-2(u)~~]] >>The Flood Insurance Rate Map (FIRM) for Miami-Dade County,<< as amended effective November 4, 1987, together with the [[~~flood insurance study~~]]>>Flood Insurance Study (FIS)<< therein, and as amended effective January 20, 1993 [[~~and as amended effective~~]] >> , <<July 17, 1995, >>and as amended effective September 11, 2009, together with the Flood Insurance Study (FIS) therein,<< are hereby adopted>>and incorporated herein<< by reference >>hereto.<< [[~~and are declared to be a part of this chapter, and~~]] >>The FIRM and FIS<< shall be kept on file, available to the public>>for public inspection and copying<<, in the offices of the Department of Planning and Zoning, [[~~Environmental Resources Management Department~~]]>>Department of Environmental Resources Management<< and the [[~~Public Works~~]] Department>>of Public Works<<.>>Any changes, additions, or deletions to the FIRM or to the FIS for Miami-Dade County shall be approved by the Board of County Commissioners by ordinance.<< The County shall mail a courtesy notice of any change in the [[~~maps referred to in Section 11C-2(u)~~]] >>FIRM or to the FIS<<, as amended from time to time, to all property owners in the unincorporated area of Miami-Dade County affected by such change. Failure to mail or receive said courtesy notice shall not affect the validity of any such change or this chapter.

(c) The provisions of this chapter shall constitute minimum standards throughout unincorporated Miami-Dade County.

* * *

Section 2. The Federal Emergency Management Agency, (FEMA) Flood Insurance Final Summary of Map Actions, dated March 11, 2009, is hereby adopted and incorporated herein by reference.

Section 3. The Flood Insurance Rate Map (FIRM) for Miami-Dade County and the Flood Insurance Study (FIS) referenced in Section 1 of this ordinance shall become effective on

September 11, 2009.

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida; except that, the Flood Insurance Rate Map (FIRM) for Miami-Dade County referenced in Section 1 of this ordinance, the Flood Insurance Study (FIS) referenced in Section 1 of this ordinance, and the Flood Insurance Final Summary of Map Actions, dated March 11, 2009, referenced in Section 2 of this ordinance, shall not be codified. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word ordinance may be changed to section, article, or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Peter S. Tell