

MEMORANDUM

Substitute
Agenda Item No. 5(N)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 18, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to flood protection; amending chapter 11C of the Code; revising definitions; amending floodplain and flood protection regulations related to buildings, structures, and other components of development; amending flood protection regulations to meet certain FEMA community rating system program requirements; amending section 2-114.1; providing for administrative review of takings and vested rights claims for decisions pursuant to chapter 11C and providing for appeals to County Commission; making technical changes; amending section 8CC-10; providing for enforcement by civil penalty

Ordinance 22-142

This substitute differs from the original item as stated in the Mayor's memorandum.

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: October 18, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Ordinance Amending Chapter 11C of the Code of Miami-Dade County, Florida, Relating to Flood Protection, Section 2-114.1, Providing for Administrative Review of Takings and Vested Rights Claims for Decisions Pursuant to Chapter 11C, and Section 8CC-10, Providing for Enforcement by Civil Penalty

This substitute differs from the original in that it: (1) clarifies engineering standards to ensure consistency with the Florida Building Code and FEMA and National Flood Insurance Program (NFIP) regulations, as recommended by the Florida Division of Emergency Management’s (FDEM) NFIP State Coordinator/State Floodplain Manager; (2) specifies that development applications must demonstrate compliance with the regulations before permits may be issued; (3) adds or reorganizes definitions for certain terms – freeboard, building access, alteration of a watercourse, Coastal A Zone, limit of moderate wave action, and watercourse, based on the clarified engineering standards; and (4) reorganizes section 11C-2, Definitions, to use numbers rather than letters for the subsections. These changes do not affect the analysis provided below in this memorandum.

Rule 5.06(i) of the Board’s Rules of Procedure provides that where double underlining and double strike-through would not clearly show the differences between an original item and the substitute, comments may instead be provided. Pursuant to this rule, the preceding comprehensive description of the differences between the original item and the substitute is provided in lieu of double underlining and double strike-through for this item.

Executive Summary

This ordinance revises flood protection and floodplain regulations, makes amendments to improve the County’s Federal Emergency Management Agency (FEMA) Community Rating System (CRS) Program rating from a Class 5 to a Class 4, and implements technical changes to achieve higher regulatory standards to increase resilience and reduce future risks from projected increases in sea level rise. The higher regulatory standards in this ordinance will apply to new construction (new and replacement development) and substantial improvements to existing developments. This will lead to significant savings on flood insurance premiums for property owners.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance, which amends Chapter 11C and Sections 2-114.1 and 8CC-10 of the Code of Miami Dade County (Code).

Scope

The scope of this ordinance is Countywide. It involves environmental regulation related to flood protection and floodplain management and shall be applied to and enforced within the unincorporated areas of Miami-Dade County, as well as in the portions of the incorporated areas where the County has jurisdiction over building permits.

Delegation of Authority

Chapter 11C currently delegates to the Director of the Department of Regulatory and Economic Resources’ Division of Environmental Resources Management (DERM) or the Director’s designee the authority to enforce flood protection and floodplain regulations. Upon approval by this Board, the Director will have the authority to enforce the regulations contained within this ordinance.

Fiscal Impact/Funding Source

Approval of this item is not anticipated to create a fiscal impact to the County, as the proposed changes will not require additional staffing resources or generate additional operational expenses.

Track Record/Monitor

The DERM Director or the Director’s designee will be responsible for monitoring the implementation of this ordinance.

Social Equity

Adoption of this ordinance is expected to result in monetary savings in flood insurance premiums for policyholders in unincorporated Miami-Dade County, for the reasons explained in the Background section. In addition, increasing flood protection measures as required by this ordinance will increase the community’s resilience and reduce risks from projected sea level rise.

Background

With respect to flood protection and floodplain regulations, new and replacement developments and substantial improvements to existing developments must comply with the requirements in Chapter 11C of the Code of Miami-Dade County (Code) in effect at the time of platting and permitting. The proposed ordinance would require such development and substantial improvements, as defined in the ordinance, to comply with the higher regulatory standards to meet certain FEMA prerequisites that the County needs to improve its Community Rating System (CRS) Program rating from a Class 5 to a Class 4. Improving the County’s CRS rating will result in greater savings in flood insurance premiums, which will benefit policyholders in unincorporated Miami-Dade County. A Class 5 CRS rating currently provides a 25 percent discount to policyholders, whereas a Class 4 CRS rating will increase the discount to 30 percent.

The ordinance makes additional revisions to the regulatory standards in chapter 11C that would apply to new developments, replacement developments, and substantial improvements to existing developments. Establishing such new and higher regulatory standards for the design and construction of projects in Miami-Dade County supports the County’s efforts to increase resilience and reduce future risks from projected increases in sea level rise. Future sea level rise scenarios are based on the Intermediate High curve projections promulgated by the National Oceanic and Atmospheric Administration (NOAA), as further set forth in the Unified Sea Level Rise Projections – Southeast Florida (2019 Update) published by the Southeast Florida Regional

Climate Change Compact’s Sea Level Rise Ad Hoc Work Group. This proposed ordinance uses a holistic approach to mitigate flood risk. These ordinance changes are well integrated into the County’s regulatory framework with the Florida Building Code, the FEMA Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS), the County’s Public Works Manual, other Code requirements, and state and federal floodplain and stormwater management regulations.

These revisions are not anticipated to significantly increase project design or construction costs, as the new regulatory standards are triggered only with new and replacement development, or with substantial improvements to existing development. Such improvements already necessitate engineering design and construction services. Hence, costs associated with plans or construction work to meet these standards are not expected to be affected. However, adoption of these standards are expected to reduce flood insurance costs if the County’s CRS rating improves to a Class 4, which will benefit all flood insurance policyholders in the unincorporated areas.

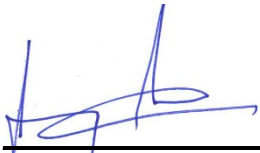
The ordinance also: removes provisions that are redundant of Florida Building Code or other requirements; reorganizes chapter 11C for ease of user reference; updates definitions based on the latest edition of the Florida Building Code; provides greater flexibility in certain current regulations, such as for accessory buildings in special flood hazard areas; codifies the longstanding procedure for review for structures that are exempt from the Florida Building Code but still subject to floodplain regulations; adds chapter 11C to the County’s existing process for administrative review of takings and vested rights claims; and provides for enforcement of chapter 11C through the County’s code enforcement process.

Some key revisions include:

- (1) Ensuring that all new, replacement, and substantially improved developments comply with the Florida Building Code and the County’s floodplain and flood protection regulations (Chapter 11C). This requirement will also apply to manufactured homes within pre-FIRM manufactured or mobile home parks or subdivisions, meaning those parks or subdivisions that were built before the effective date (July 18, 1974) of Miami-Dade County's original floodplain management regulations. Imposing the same higher regulatory requirements on all new, replacement, or substantially improved mobile homes, regardless of when the park or subdivision in which they are located was constructed, is one of FEMA’s prerequisites to improve unincorporated Miami-Dade County’s CRS Program rating from a Class 5 rating to a Class 4 rating.
- (2) For special flood hazard areas, setting the minimum freeboard as the stricter of (a) one foot above the base flood elevation or (b) the minimum freeboard required by the Florida Building Code. The Florida Building Code currently requires a freeboard of at least one foot above base flood elevation in these special flood hazard areas, so these revisions do not change current requirements. These provisions are included, however, to ensure the County can maintain this same standard should the Florida Building Code requirement be reduced in the future. These provisions would maintain compliance with certain FEMA requirements related to minimum freeboard.
- (3) Requiring that when the base flood elevation is not shown on the FEMA Flood Insurance Rate Maps (FIRMs), as is the case for properties outside of the special flood hazard areas, the project engineer of record must calculate and provide a signed and sealed base flood elevation, to be used in conjunction with the Florida Building Code’s freeboard

requirements to determine the lowest floor elevation. The new, replacement, or substantially improved development will then be required to comply with the more stringent of that calculated base flood elevation plus freeboard or the lowest floor elevation determination as provided for in Chapter 11C.

- (4) Minimizing flood damage by preventing stormwater seepage, runoff, or discharge onto adjacent of adjoining parcels. This is already required pursuant to other sections of the Code and is being added to chapter 11C for consistency.
- (5) Requiring evaluation of stormwater seepage, runoff, and discharge, and of infiltration and inflow of floodwaters into sanitary sewer systems and plants, pursuant to accepted engineering and scientific standards and principles. This is already required pursuant to other sections of the Code and is being added to chapter 11C for consistency.
- (6) Revising regulations pertaining to floodways to prohibit the placement of manufactured homes (mobile homes) in a designated floodway. Miami-Dade County currently has no designated floodways, so this provision does not currently apply anywhere in the County. Even though this condition does not presently exist, this change is being inserted in the event floodways are designated within Miami-Dade County in the future. Any future designation of a floodway would require Board action, as provided in the ordinance.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 18, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Substitute
Agenda Item No. 5(N)

Please note any items checked.

- ☐ "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
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 5(N)
10-18-22

ORDINANCE NO. 22-142

ORDINANCE RELATING TO FLOOD PROTECTION;
AMENDING CHAPTER 11C OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA; REVISING DEFINITIONS; AMENDING
FLOODPLAIN AND FLOOD PROTECTION REGULATIONS
RELATED TO BUILDINGS, STRUCTURES, AND OTHER
COMPONENTS OF DEVELOPMENT; AMENDING FLOOD
PROTECTION REGULATIONS TO MEET CERTAIN FEMA
COMMUNITY RATING SYSTEM PROGRAM
REQUIREMENTS; AMENDING SECTION 2-114.1;
PROVIDING FOR ADMINISTRATIVE REVIEW OF TAKINGS
AND VESTED RIGHTS CLAIMS FOR DECISIONS PURSUANT
TO CHAPTER 11C AND PROVIDING FOR APPEALS TO
COUNTY COMMISSION; MAKING TECHNICAL CHANGES;
AMENDING SECTION 8CC-10; PROVIDING FOR
ENFORCEMENT BY CIVIL PENALTY; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. The memorandum referenced in the above recital is incorporated in this ordinance and is approved.

Section 2. Chapter 11C of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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.

**Chapter 11C - >>FLOODPLAIN REGULATIONS<<
[[DEVELOPMENT WITHIN FLOOD
HAZARD DISTRICTS]]**

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

>>(a)<< 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.

>>(b)<< 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 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.

>>(c)<< This chapter is adopted >>and amended:<< to insure the continued availability of said flood insurance; to comply with federally imposed requirements; >>to be compatible with the provisions of the Florida Building Code relating to flood resistance:<< and to protect the public health, safety and general welfare[[;]] by minimizing flood losses in the coastal areas of Miami-Dade County, [[and]] >>requiring<< [[~~to require that~~]] uses vulnerable to floods, including facilities which serve such uses, >>to<< be protected against flood damage at the time of initial construction[[;]]>>controlling<< [[~~control~~]] the alteration of natural floodplains, stream channels, and natural protective barriers >>that<< [[~~which~~]] are involved in the accommodation of floodwaters[[;]]>>controlling<< [[~~control~~]] filling, grading, dredging>>and<< and other development >>that<< [[~~which~~]] may increase erosion or flood damage[[;]]>>and<< and [[~~to insure~~]] >>ensuring<< that potential home buyers are notified that property is in a flood area.

- >>(d) This chapter is intended to be administered and enforced in conjunction with the Florida Building Code.
- (e) This chapter shall not be construed to imply that land outside of mapped special flood or coastal high hazard areas, or that uses permitted within such hazard areas, will be free from flooding or flood damage.
- (f) The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and associated federal regulatory requirements may be revised by the Federal Emergency Management Agency or successor agency and may accordingly require this chapter to be revised to maintain the County's eligibility to participate in the National Flood Insurance Program.<<

Sec. 11C-2. - Definitions.

In construing the provisions of this chapter, where the context will permit and no definition is provided herein, the definitions provided in ~~[[Chapter 403, Florida Statutes]]~~ >>the Florida Building Code<<, as may be amended from time to time, ~~[[and in the rules and regulations promulgated thereunder as may be amended from time to time,]]~~ shall apply. The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section.

- >>(1)<< ~~[[~~(a)~~]]~~ *Accessory building* >>or accessory structure<< shall >>mean a structure on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure.>> ~~[[mean a secondary residence, garage, or other building or structure on a lot or parcel subordinate to and not forming an integral part of the main or principal building but pertaining to the use of the main building. An accessory building may include a guest house or servants' quarters unless prohibited by existing deed restrictions or any applicable governmental regulation.~~
- ~~(b)]~~>>(2) Alteration of a watercourse shall mean a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction, velocity, or both of the riverine flow of water during conditions of the base flood.<< ~~[[Addition (to an existing building) shall mean any walled and roofed~~

~~expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.~~

(e) ~~Area of shallow flooding shall mean a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

~~(d)]>>(3) ASCE 24 shall mean the standard published by the American Society of Civil Engineers (ASCE) titled "Flood Resistant Design and Construction" and referenced in the Florida Building Code.<< [[Area of special flood hazard shall mean the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.~~

~~(e)]>>(4)<< Base flood >>or 100-year flood<< shall mean >>the flood that, on average, has<< [[a flood having]] a one [(1)] percent chance of being equalled or exceeded in any given year.~~

~~>>(5) Base flood elevation shall mean the elevation of surface water resulting from the base flood, as specified on the flood insurance rate map.~~

~~(6)<< [(1)] Basement shall >>be as defined in the Florida Building Code.<< [[mean that portion of a building having its floor subgrade (below ground level) on all sides.~~

~~(g)] >>(7)<< Below grade facilities shall mean off-street parking facilities constructed underground and other similar types of below grade areas within a building >>that<< [[which]] are not habitable >>space as defined in section 33-1.<< [[areas and, containing neither electrical nor mechanical equipment, are not considered habitable.~~

~~(h)] >>(8)<< Breakaway >>wall shall be as defined in ASCE 24.<< [[walls shall mean any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood,~~

~~metal, plastic, or any other suitable building material, which are not a part of the structural support of the building and which are intended through their design and construction to collapse under specific lateral loading forces caused by abnormally high tides or wave action, without causing damage to the elevated portion of the building or the supporting foundation system or any other building to which they might be carried by floodwaters. A breakaway wall shall have a design loading capacity of not less than ten (10) pounds per square foot and no more than twenty (20) pounds per square foot.~~

~~(f)]~~ >>(9) Building access shall mean an enclosed area that is not used as habitable space but is designed to allow ingress and egress for a building.

(10)<< Building site shall mean the ground area of a property occupied by buildings and other enclosed structures.

>>(11) Coastal A Zone shall mean the area defined as such in the Florida Building Code.

(12)<< ~~[(f)]~~ Coastal high hazard area >>or CHHA<< shall mean the area >>designated as such in the Florida Building Code. The CHHA may overlap with the coastal high hazard area as defined in the Comprehensive Development Master Plan's Land Use and Coastal Management Elements, but for purposes of this chapter, the Florida Building Code designation shall control.<< ~~[[subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VI-30, VE or V.~~

~~(k)]~~ >>(13)<< Crown of road (center line) shall mean a line running parallel with the highway right-of-way which is half the distance between the extreme edges of the official right-of-way width as shown on a map approved by the ~~[[Department of Public Works.]]~~ >>public works department.

(14)<< ~~[(f) Miami-Dade]~~ County Flood Criteria ~~[[Maps]]~~ shall mean >>the<< ~~[[those]]~~ official >>map or<< maps of Miami-Dade County >>that show<< ~~[[showing]]~~ the required minimum finished grade elevation of the ground surface within a development site and ~~[[as]]~~ >>that are<< adopted by the Board of County Commissioners and recorded in >>a<< Plat Book ~~[[120 at Page 13-1, 13-2, 13-~~

~~3, 13-4 and 13-5]]~~ of the Public Records of Miami-Dade County~~[[, as the same may be amended from time to time]]~~.
>>The current County flood criteria are contained in the maps recorded in Plat Book 120 at Page 13-1, 13-2, 13-3, 13-4, and 13-5.

(15) Department shall be as defined in section 24-5.

(16)<<[[~~(m)~~]] *Development* shall mean any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

>>(17) Director shall be as defined in section 24-5, or shall be such other official as is designated by the County Mayor to administer this chapter. Except where expressly provided or where context dictates otherwise, the term "Director" includes the Director's designee.

(18)<<[[~~(n)~~]] *Elevated building* shall mean a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation, perimeter walls, pilings, columns (posts and piers), shear walls, or >>other structural support.<< [[~~breakaway walls.~~

(o) ~~*Existing manufactured home park or subdivision* shall mean 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 June 18, 1974, the effective date of Miami Dade County's adoption of floodplain management regulations.~~

(p) ~~*Expansion to an existing manufactured home park or subdivision* shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).]]~~

>>(19) FEMA shall mean the Federal Emergency Management Agency or successor agency.

(20)<< [[(†)] *Finished grade as applied to a development site shall mean the established final elevation after filling or grading of the ground surface at a certain point within a development site.*

>>(21)<< [[(†)] *Flood or flooding shall >>be as defined in the Florida Building Code.<< [[mean a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of streams, rivers, or other inland water, or (2) abnormally high tidal water or rising coastal waters resulting from severe storms, hurricanes, or tsunamis.*

(s)] >>(22)<< *Floodproofing >>or dry floodproofing shall be as defined in ASCE 24 for “dry floodproofing” and certified pursuant to the Florida Building Code. This definition shall not include “wet floodproofing,” which is separately defined in this section.<< [[shall mean structural and nonstructural additions, changes, or adjustments (other than elevating) to nonresidential structures and utilities which reduce or eliminate flood damage to water supply and sanitary sewage facilities, structures and contents of buildings. Floodproofing may be permitted in large residential structures such as condominiums provided it is limited to electrical and utility rooms only. Floodproofing includes, by way of illustration, not limitation, the following measures:*

- (1) Anchorage to resist flotation and lateral movement.
- (2) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction to protect against winds, wave action, or flood waters.
- (3) Reinforcement of walls to resist water pressures.
- (4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
- (5) Addition of mass or weight to structures to resist flotation.
- (6) Installation of pumps to lower water levels in structures.
- (7) Construction of water supply and waste water treatment and disposal systems to prevent the entrance or infiltration of flood waters.
- (8) Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
- (9) Construction to resist rupture or collapse caused by water pressure or flooding debris.

- (10) ~~Installation of valves or controls of sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.~~
- (11) ~~Location of all electrical equipments, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flood.~~
- (12) ~~Location of any structure, storage, facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to the public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regulatory protection elevation or are adequately floodproofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.~~

(t)] >>(23)<< *Flood hazard* ~~[[boundary]]~~ area shall >>be as defined in the Florida Building Code.<< ~~[[mean an area within an official map of the community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.~~

(u)] >>(24)<< *Flood insurance rate map (FIRM)* shall mean an official map of a community on which >>FEMA<< ~~[[the Federal Emergency Management Agency]]~~ has delineated ~~[[both]]~~ the ~~[[areas of]]~~ special flood hazard >>areas and their base flood elevations,<< and the risk premium zones applicable to the community. >>In accordance with section 553.73, Florida Statutes, this definition shall not be construed to refer to or permit reliance on preliminary maps issued by FEMA.

(25)<< ~~[[v)]]~~ *Flood insurance study* >>(FIS)<< shall mean the >>Flood Insurance Study for Miami-Dade County, Florida, and Incorporated Areas, an<< official report provided by >>FEMA<< ~~[[the Federal Emergency Management Agency]]~~. The report contains flood profiles, as well as ~~[[the flood boundary floodway map and]]~~ >>detailed flood elevation data, including<< the water surface elevation of the base flood.

>>(26)<< [[(w)]] *Floodway* shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one [[(1)]] foot.

>>(27)<< [[(x)]] *Floor* shall mean the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage >>or enclosure under an elevated building<< used solely for parking vehicles>>, building access, or storage<<.

>>(28) *Freeboard* shall mean the stricter of: one foot above the base flood elevation; or the minimum elevation required by the Florida Building Code and ASCE 24.<<

[[(y)] ~~*Functionally dependent use* shall mean a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long term storage, manufacture, sales, or service facilities.~~

(z)]] >>(29)<<~~*Highest adjacent grade* shall mean [[the highest finished grade elevation of the ground surface next to the proposed walls of a structure. (For the purposes of the NFIP this term shall mean]]~~ the highest natural elevation of the ground surface prior to construction next to the proposed walls >>or foundation<< of a structure.

[[(aa)] >>(30)<< *Historic structure* shall mean any structure that is:

>>(a)<< [[(1)]] Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or

>>(b)<< [[(2)]] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

>>(c)<< [(3)] Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

>>(d)<< [(4)] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

>>(i)<< [(a)] By an approved state program as determined by the Secretary of the Interior;
or

>>(ii)<< [(b)] Directly by the Secretary of the Interior in states without approved programs.

>>(31) Limit of Moderate Wave Action shall be as defined in the Florida Building Code.

(32)<< [(bb)] Lowest floor shall >>be as defined in the Florida Building Code.<< ~~mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of 44 CFR Ch. I (10-1-88 Edition).~~

(ee)] >>(33)<< Mangrove stand shall mean an assemblage of mangrove trees which consists of one [(1)] or more of the following species: ~~Black~~ >>black<< mangrove ~~[(Avicennia germinans)]~~ >>(Avicennia germinans)<<; red mangrove ~~[(Rhizophora mangle)]~~ >>(Rhizophora mangle)<<; white mangrove ~~[(Languncularia racemosa)]~~ >>(Languncularia racemosa)<<; ~~and~~ buttonwood ~~[(Conocarpus erecta)]~~ >>(Conocarpus erectus); or any other species included as part of a mangrove stand pursuant to the Florida Building Code<<.

>>(34)<< [(dd)] Manufactured home park or manufactured home subdivision shall mean a parcel (or contiguous parcels) of land divided into two [(2)] or more manufactured home lots for rent or sale.

>>(35)<< ~~[(ee)]~~ *Manufactured home* >>or mobile home<<
~~[(trailer)]~~ shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle." However, park trailers, travel trailers, and similar transportable structures placed on a site for >>180<< ~~[[one hundred eighty (180)]]~~ consecutive days or longer shall be regulated as manufactured homes.

>>(36) Market value shall mean the value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the Actual Cash Value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.<<

~~[(ff)]~~ *Mean sea level* shall mean the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

~~(gg)]~~ >>(37)<< *Minimum finished grade* >>elevation<< shall mean the elevation ~~[[established in the Miami Dade County Flood Criteria Maps at]]~~ >>to which<< a specific development site ~~[[or the crown of an existing adjacent road, whichever is higher]]~~ >>is required to be built pursuant to this chapter<<.

~~[(hh)]~~ *National Geodetic Vertical Datum (NGVD) (as corrected in 1929)* shall mean a vertical control used as a reference for establishing varying elevations within the floodplain.

(ii)] >>(38)<< *New construction* shall mean>>, for the purposes of administration of this chapter and the flood resistant construction requirements of the Florida Building Code, a structure for which the "start of construction" commenced on or after September 29, 1972, and includes

~~any subsequent improvements to such structure.<< [[a structure for which the “start of new construction” commenced on or after the effective date of the first Floodplain Management Regulation adopted by the County (June 18, 1974). The term includes any subsequent improvement to the structure.~~

(jj) ~~New manufactured home park or new manufactured home subdivision shall mean 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 grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Miami Dade County, June 18, 1974.~~

(kk) ~~Physical start shall mean the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.]]~~

>>(39) Public works department shall be as defined in section 2-99.

(40) Public works manual shall mean the manual of minimum standards for the public works construction promulgated by the county public works department pursuant to section 2-100.

(41)<< [[(44)]] Recreational vehicle shall mean a vehicle >>that<< [[which]] is:

- (1) Built on a single chassis; and
- (2) >>No greater than 400<< [[Four hundred (400)]] square feet [[or less]] when measured at the largest horizontal projections; and

- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~[(mm)]~~ ~~*Regulatory flood* (also herein referred to as the one-hundred-year flood) shall mean the level of flooding that, on the average, is likely to be equalled or exceeded once in any one-hundred-year period (i.e., that has a one (1) percent chance of occurring in any year).~~

~~(nn)]~~ >>(42)<< *Residence (residential) or dwelling* << ~~[[*Residential or residence*]] shall >>be as defined in the Florida Building Code and ASCE 24<< ~~[[mean any lot, plot, parcel, tract, area, piece of land or building used exclusively for family dwelling purposes or intended to be so used, including concomitant uses as specified in Chapter 33, Code of Metropolitan Miami Dade County, Florida.~~~~

~~(oo)]~~ >>(43)<< *Sand dunes* shall mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

>>(44) *Special flood hazard area or SFHA* shall be as defined in the Florida Building Code.

(45)<< ~~[(pp)]~~ *Start of [[new]] construction* ~~[[*(for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348))*]] shall >>be as defined in the Florida Building Code.<< ~~[[mean the date the building permit was issued provided that physical start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the building permit date.~~~~

~~(qq)]~~ >>(46)<< *Structure* shall >>be as defined in the Florida Building Code.<< ~~[[mean a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.~~

~~(rr)]~~ >>(47)<< *Substantial damage* shall >>be as defined in the Florida Building Code<< ~~[[mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or~~

~~exceed fifty (50) percent of the market value of the structure before the damage occurred unless another method of computation under certain stated conditions is approved or authorized by the Federal Emergency Management Administration]].~~

- >>(48)<< ~~[[ss]]~~ *Substantial improvement* >>or substantially improved<< shall ~~[[mean any combination of repairs, reconstruction, alteration, or improvements to a structure,]]~~ >>include a "substantial improvement" as defined in the Florida Building Code, as well as (i) repairs, and (ii) cumulative improvements, in accordance with the following:
- (a) Any combination of repairs, reconstructions, alterations, or improvements to a structure that take<< ~~[[taking]]~~ place during a six-month period, in which the cumulative cost equals or exceeds >>50<< ~~[[fifty (50)]]~~ percent of the market value of the structure >>shall constitute a substantial improvement<<. ~~[[However, the]]~~
- >>(b) The<< accumulation period for a substantial improvement within any coastal >>high hazard area<< ~~[[building zone, as defined by Section 161.54(1), Florida Statutes,]]~~ shall be five ~~[[5]]~~ years.
- >>(c)<< The market value>>, as defined in this section,<< of the structure shall be >>the market value<< ~~[[4) the appraised value of the structure]]~~ prior to the start of the initial repair or improvement, or ~~[[2)]]~~ in the case of damage, the >>market<< value of the structure prior to the damage occurring.
- >>(d)<< "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- >>(e)<< This term includes structures >>that<< ~~[[which]]~~ incur substantial damage regardless of actual work performed.
- >>(f)<< The term does not include either:
- >>(i)<< ~~[[4)]]~~ Any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications >>that<< ~~[[which]]~~ are solely necessary to assure safe living conditions; or

>>(ii)<< [[(2)]] Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

>>(49)<< [[(tt)]] *Substantially improved* [[~~existing~~]] *manufactured home*[[;]] *park or subdivision* shall mean when the repair, reconstruction, rehabilitation>>₁<< or improvement of the streets, utilities>>₁<< and pads equals or exceeds >>50<< [[~~fifty (50)~~]] percent of the value of the streets, utilities>>₁<< and pads before the repair, reconstruction>>₁<< or improvement commenced.

>>(50)<< [[(uu)]] *Variance* is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

>>(51) *Watercourse* shall mean a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(52) *Wet floodproofing* shall mean any combination of structural or nonstructural adjustments or measures that reduce or eliminate flood damage to a structure or its contents and attendant utilities and equipment by allowing flood water to automatically enter and exit the structure as per the applicable requirements contained in ASCE 24 and this chapter and thereby prevent or provide resistance to damage from flooding. See FEMA Floodplain Management Bulletin P-2140 and FEMA Technical Bulletin 7 for guidance on wet floodproofing.

(53) *Zoning department* shall mean the “department” defined in section 33-1.<<

Sec. 11C-3. – [[~~Development~~]] >>Reviews pertaining to floodplain related requirements and flood protection<< in [[~~either~~]] Special Flood Hazard [[~~(SFH)~~]] Areas >>(SFHAs)<<, Coastal High Hazard [[~~(CHH)~~]] Areas >>(CHHAs)<<, or [[~~Outside~~]] >>outside such areas<< [[~~Special Flood Hazard Areas~~]].

>>All development, including new construction and alteration, repair, reconstruction, or improvement of an existing

structure, whether such development occurs in or out of a Special Flood Hazard Area or Coastal High Hazard Area, and any building, structure, or facility that is exempt from the Florida Building Code pursuant to section 553.73(10), Florida Statutes, or other applicable law but subject to floodplain regulation shall be subject to review by the Director pursuant to this section prior to issuance of any building permit or other required development approval, and no such permit or approval shall be issued unless this section is complied with. In furtherance thereof, the Director~~<< [[The County official responsible for the administration and enforcement of this chapter]]~~ shall (to the extent not otherwise prohibited by ~~>>sections<<[[Sections]]~~ 11C-4 and 11C-5 ~~[[with respect to development within SFH and CHH Areas]]~~) >>do the following<<:

(a) ~~[[Require building permits for all proposed construction or other improvements within said areas; and~~

~~(b)]]~~ >>Review of all building permit or other development applications.<< Review >>all<< building permit applications ~~[[for repairs within said areas to determine that the proposed repair]]>>~~, including manufactured homes, and all applications for development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this chapter or the Florida Building Code, to ensure the building, manufactured home, or other development is reasonably safe from flooding and<<:

- (1) Uses >>flood-damage-resistant<< construction materials ~~[[and utility equipment which are resistant to flood damage]]~~ >>below the elevations required in sections 11C-4 and 11C-5, as applicable<<; and
- (2) Uses construction methods and practices >>, and is located in a manner, that<< [[which]] will minimize flood damage>>; and
- (3) Has mechanical, plumbing, and electrical systems that are above the base flood elevation plus freeboard or meet the requirements of ASCE 24, except that minimum electrical service required to address life safety and electrical code requirements is permitted below the base flood elevation provided it conforms to the Florida Building Code electrical code requirements for wet locations; and
- (4) Meets the limitations of other sections of this chapter if located in a regulated floodway; and

- (5) Prevents stormwater runoff or discharge onto adjoining or adjacent parcels up to minimum retention requirements as defined in chapter 24; and
- (6) Is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure; and
- (7) Provides in the plans part of the building permit application the appropriate floodplain information, including, without limitation: the minimum finished grade elevation shown on the County Flood Criteria Map; the base flood elevation, and elevations and topography of the proposed construction site and all adjoining parcels.<<

~~[[(e) Review building permit applications for new construction or substantial improvements within said areas to assure that the proposed construction (including prefabricated and mobile homes):~~

- ~~(1) Is protected against flood damage,~~
- ~~(2) Is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure,~~
- ~~(3) Uses construction materials and utility equipment which are resistant to flood damage, and also uses construction methods and practices which will minimize flood damage.~~
- ~~(4) Provides in the plans part of the building permit application the appropriate flood plain information Miami Dade County Flood Criteria base flood elevation.~~

~~(d)]>>(b)~~ Review of subdivision applications.<< Review subdivision ~~[[proposals]] >>applications, including tentative plats and waiver of plats,<<~~ and other proposed new developments to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage, >>including stormwater runoff or discharge onto adjoining or adjacent parcels;<< and
- (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, or constructed to minimize or eliminate flood damage~~[[;]]>>:<<~~ and

- (3) Adequate drainage is provided so as to reduce the exposure to flood hazards >>to the proposed subdivision, new development, and adjoining or adjacent parcels.<<[[~~;~~and

(e)]>>(c) Water, sewage, and wastewater. With regard to water, sewage, and waste water:

- (1) require all<< [[~~Require~~]] new or replacement water supply systems>>,<< [[~~and~~]] >>water<< treatment plants>>,<< building sewers, wastewater collection and transmission<< [[~~and sanitary sewage plants and~~]] systems>>,<< and sanitary sewage treatment plants<< to be designed to minimize or eliminate infiltration>>and inflow<< of flood waters into the systems and plants and>>minimize or eliminate<< discharges from the systems and plants into flood waters,>>including sewage overflows; and
- (2) require each onsite sewage treatment and disposal system (OSTDS), as defined in section 24-5,<< [[~~and require on-site waste water disposal systems~~]] to be located so as to avoid impairment of>>the OSTDS<< [[~~them~~]] or contamination>>of the OSTDS<< from [[~~them during~~]] flooding.

[[~~(f)~~]]>>(d) Requirements for certifications.<< Require a lowest floor elevation [[~~of~~]] >>or<< floodproofing certification, [[~~before tie beam inspection and after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor.~~]] >>as required by the Florida Building Code and in accordance with the following.

- (1) Upon placement of the lowest floor and prior to further vertical construction, it shall be the duty of the permit holder to submit to the County certification of the elevation of the lowest floor.
- (2)<< Upon placement of [[~~the lowest floor, or~~]] floodproofing>>,<< if applicable,<< [[~~by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable,~~]] it shall be the duty of the permit holder to submit to the County [[~~a~~]] >>an as-built<< certification of the [[~~elevation of the lowest floor,~~]] floodproofed elevation[[~~, or the elevation of~~

~~the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level]].~~

>>(3)<< Said >>certifications<< ~~[[certification]]~~ shall be prepared by or under the direct supervision of a ~~[[registered land]]~~ >>professional<< surveyor >>and mapper<< or professional engineer >>licensed in the State of Florida<< and certified by same.

>>(4)<< When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

>>(5)<< Any work undertaken prior to submission of the certification shall be at the permit holder's risk.

>>(6)<< The County shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed.

>>(7)<< Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.

~~[[g)]]~~ >>(e) Survey requirement for subdivision applications.<< Require that all new subdivision ~~[[proposals]]~~ >>applications, including tentative plats and waivers of plat,<< and other proposed developments>>₁<< ~~[[f)]]~~including proposals for manufactured home parks and subdivisions>>₁<<~~[[f)]]~~ include >>a survey providing appropriate floodplain information, including, without limitation: the minimum finished grade elevation shown on the County Flood Criteria Map; the base flood elevation, and elevations and topography of the proposed construction site and all adjoining parcels.<< ~~[[within such proposals base flood elevation data, Miami Dade County Flood Criteria, existing grade and crown of adjacent road elevation.~~

(h) ~~Obtain, review and reasonable utilize any base flood elevation and floodway data available from a federal, State, or other source, including data development pursuant to Section 11C-3(g), as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FIRM meet the standards in this chapter.~~

~~(f)~~ >>(f) Other permits.<< Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, U.S.C. 1334.

~~[(f)]~~ >>(g) Review of breakaway walls and decorative screening or lattice work in CHHA and Coastal A Zones.<< In coastal high hazard areas >>and Coastal A Zones, review plans<< ~~[[the County shall review plans]]~~ for adequacy of breakaway walls >>and decorative screening or lattice work<< in accordance with >>section 11C-4<< ~~[[Sections 11C-4(e), (f) and (g)]]~~.

~~[(h)]~~ >>(h) Use of other base flood elevation and floodway data.
(1)<< When base flood elevation data or floodway data have not been provided in >>the FIS or on the FIRM,<< ~~[[accordance with Section 11C-7(b), then the County shall]]~~ obtain, review>>,¹<< and >>reasonably<< ~~[[reasonable]]~~ utilize any base flood elevation and floodway data available from a federal, State>>,²<< or other source, >>or require the applicant to develop such data<< ~~[[in order]]~~ to administer the provisions of this chapter.

>>(2) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the FIRM if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations, and to make such submissions within 6 months of such data becoming available.

(3) Where riverine flood hazard areas have base flood elevations and floodways are not designated, require hydraulic engineering analyses that demonstrate the cumulative effective of the proposed development, when combined with all other existing and anticipated SFHA encroachments, will not increase the base flood elevation more than one foot at any location in the County.

- (4) In Zone AO, the base flood level is the depth number specified in feet on the FIRM, or at least two feet if a depth number is not specified, and the base flood level above the highest adjacent grade shall be used for design and construction.
- (i) Development seaward of coastal construction line. For buildings and structures seaward of the coastal construction control line, if extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a hazard area:
- (1) require all structures to be designed and constructed to comply with the more restrictive applicable requirements of *Building* sections 3109 and 1612 and *Residential* section R322 of the Florida Building Code; and
- (2) require minor structures and non-habitable major structures as defined in section 161.54, Florida Statutes, to comply with the applicable provisions of this chapter and ASCE 24.
- (j) ~~<<[(4)] >>~~Records. Maintain all~~<< [[All]]~~ records pertaining to the provisions of this chapter ~~>>and ensure that all such records are available<< [[shall be maintained in the office of the County official and shall be open]]~~ for public inspection.
- ~~[(m)]~~ ~~>>~~(k) Finished grade and floor elevation.~~<<~~ Review proposed development to ~~>>ensure<< [[assure]]~~ that~~>>_<< [[no use shall be made for]]~~ other than crop, grove, nursery~~>>_<< [[and]]~~ grazing ~~[[purposes]]~~, or similar ~~>>agricultural<< uses[[,]]>>~~:
- (1) No use shall be made of,~~<<~~ and no building of any type shall be constructed, erected upon~~>>_<<~~ or moved to~~>>_<<~~ any land below the ~~>>~~minimum finished grade~~<<~~ elevation ~~>>~~required by this subsection.
- (2) Before~~<< [[established by the County Flood Criteria Map as adopted by the Board of County Commissioners, or the back of sidewalk elevation of the road fronting the property, or if there is no sidewalk, the elevation of the crown of road or street abutting such building site, whichever is higher. And before]]~~ any such land shall be used, except as above authorized, it shall be filled~~>>~~, graded and harmonized as needed to match the road fronting the

~~property, and~~<< as required by the ~~[[directors of Departments of Environmental Resources Management and Public Works.]]~~ >>Director and the public works department.

(3) In all areas of the County, the floor elevation of all buildings shall be the higher of the elevation required by this subsection or the elevation required by the Florida Building Code or section 11C-4 and section 11C-5, as applicable to the flood hazard area.

(4) In all areas of the County, the minimum finished grade elevation required by this subsection shall be determined by the County Flood Criteria Map, or the back of sidewalk elevation, or if there is no sidewalk, the elevation of the highest crown of road or street abutting such building site, whichever is higher, or if the road has no crown, then the highest edge of cross section of the road, and:

(i) For nonresidential buildings, the floor elevation shall be a minimum of four inches above the elevation so determined; and

(ii) For residential buildings, the floor elevation shall be a minimum of eight inches above the elevation so determined.<< ~~[[For—uses other than residential requiring a floor, the floor elevation shall be a minimum of four (4) inches above the elevation established by the County Flood Criteria Map, or the back of sidewalk elevation, or if there is no sidewalk, the elevation of the highest crown of road or street abutting such building site, whichever is higher, or if the road has no crown, then the highest edge of cross section of the road shall apply. For all residential uses, the floor elevation shall be a minimum of eight (8) inches above the elevation established by the County Flood Criteria Map, or the back of sidewalk elevation, or if there is no sidewalk, the elevation of the highest crown of road or street abutting such building site, whichever is higher, or if the road has no crown, then the highest edge of cross section of the road shall apply.]]~~

>>(5)<< In all cases and for all uses and whether the property is located in a Special Flood Hazard Area, or outside, the >>lowest<< floor elevation >>shall be determined as specified in this subsection and<<

- ~~[[obtained as above described, shall be]]~~ compared against the base flood elevation shown in the Flood Insurance Rate Maps>>, plus the minimum freeboard required by the Florida Building Code, and the higher of the two shall be used for design and construction; and
- (6) If the base flood elevation is not shown in the Flood Insurance Rate Maps, the minimum finished grade elevation obtained as described in this subsection shall be compared to the base flood elevation calculated and provided in signed and sealed plans prepared by an engineer licensed in the State of Florida, plus the minimum freeboard required by the Florida Building Code and ASCE 24,<< and the higher of the two [[(2)]] shall be used for design and construction[[. The provisions of this subsection shall not apply to off-street parking facilities constructed underground and other similar types of below grade areas within a building which are not lowest floor and]] >>; and
- (7) Below grade facilities are permitted only where:
- (i) they<< contain neither electrical nor mechanical equipment[[-]] >>; and
- (ii) they are not constructed with residential buildings located in an SFHA; and
- (iii) they are<< [[All such facilities constructed below grade shall be]] designed and constructed>>,<< and contain essential equipment, if necessary, to prevent infiltration and accumulation of water or to provide for immediate and continuous elimination of water[[-]]>>; and
- (iv)<< A Florida >>licensed<< [[registered]] engineer or architect >>has submitted<< [[shall submit]] data and a floodproofing certificate to assure that the design complies with >>subsection 11C-5(c), regardless of whether the facility is located in an SFHA<< [[all guidelines of Section 11C-5(b)]]].
- ~~[[n)] If in the review of a building within the unincorporated areas of Miami-Dade County, it is determined that in the application of the provisions of Section 11C-3(m) of this Code the building applicant would be otherwise required to provide flood protection in excess of the requirements of this chapter, then it shall be the responsibility and authority of~~

~~the Director of the Department of Environmental Resources Management, or his designee, to review such plans and may grant a variance to the requirements of Section 11C-3(m) of this Code to provide flood protection which is no less than the flood protection required by this chapter based upon good engineering practice. Said decision shall be subject to appeal in accordance with Section 11C-12(j) of this Code.]]~~

- >>(l) Floodplain requirements for manufactured homes. Ensure compliance with this chapter, the Florida Building Code, and applicable requirements of the state agency with jurisdiction over the installation of manufactured homes for:
 - (1) all new, replaced, or substantially improved manufactured homes; and
 - (2) all new, replaced, or substantially improved foundations intended for placement of a manufactured home.
- (m) Foundations. Ensure that all plans for new building foundations, replacement foundations, and foundations extended upward are signed and sealed by a Florida licensed engineer or architect as complying with the requirements of this chapter and the Florida Building Code.
- (n) Floodplain review for Florida Building Code exempt development. For all buildings, structures, and facilities that are exempt from the Florida Building Code but subject to floodplain regulation, review applications to ensure compliance with the requirements of this chapter for residential or nonresidential buildings or other development, as applicable. Such review may be performed through an application for a zoning improvement permit pursuant to section 33-8.1, or through other application or review procedure acceptable to the Director, and subject to payment of all applicable fees established by implementing order approved by the Board of County Commissioners.
- (o) Stormwater evaluations. Ensure that evaluations required by this section for stormwater seepage, runoff, or discharge onto adjacent and adjoining parcels and infiltration and inflow of floodwaters into sanitary sewerage systems and plants comply with the following:
 - (1) Evaluations shall be performed using generally accepted engineering and scientific standards and principles approved by the Director.
 - (2) Accepted engineering and scientific principles

include, but are not limited to, those contained in the latest edition of: the County public works manual promulgated pursuant to section 2-100; the National Engineering Handbook; the South Florida Water Management District Environmental Resource Permit Applicant's Handbook; and relevant publications of the National Oceanic and Atmospheric Administration and United States Geological Survey.<<

**Sec. 11C-4. – Development within Coastal High Hazard Areas
>>and Coastal A Zones<< ~~[(CHH)]~~.**

- (a) >>Compliance required.<< Existing uses located on land in a ~~[(CHH)]~~ >>Coastal High Hazard<< Area >>or Coastal A Zone that<< ~~[[which]]~~ is below the >>base flood<< elevation ~~[[of the regulatory flood]]~~ shall not be expanded>>₁<< and no building permit >>or other development approval subject to section<< ~~[[referred to in Section]]~~ 11C-3 ~~[[of this chapter]]~~ may be issued therefor>>₁<< unless >>this section is<< ~~[[the provisions of subsection (b) hereof are]]~~ complied with.
- (b) >>New construction or substantial improvement.<< No new construction or substantial improvement shall be undertaken>>₁<< and no building permit referred to in >>section<< ~~[[Section]]~~ 11C-3 may be issued therefor>>₁<< upon any lands within >>CHHAs and Coastal A Zones that<< ~~[[CHH Areas which]]~~ are below the level of the >>base<< ~~[[regulatory]]~~ flood unless said new construction or substantial improvement:
- (1) Is located landward of the reach of the mean high tide; and
 - (2) Is elevated on adequately anchored pilings or columns, and securely anchored to such piles or columns so that the >>bottom of the<< lowest ~~[[portion of the]]~~ >>horizontal<< structural members of the lowest floor (excluding the pilings or columns) is elevated at or above the >>base<< ~~[[regulatory]]~~ flood ~~[[level]]~~ >>elevation plus freeboard; it is provided, however, that lands located in a Coastal A Zone as delineated in the FIRM may comply with this requirement by providing dry floodproofing for

- non-residential uses, or by using a backfilled stem wall as provided in ASCE 24 and the Florida Building Code for residential or non-residential uses; and
- (3) Has mechanical, plumbing, and electrical systems that are above the base flood elevation plus freeboard<<.
- (c) >>Limitations on use of fill. Fill shall not be<< ~~[[There shall be no fill]]~~ used as structural support. Noncompacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The County shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist which demonstrates that the following factors have been fully considered:
- (1) Particle composition of fill material does not have a tendency toward excessive natural compaction;
 - (2) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - (3) Slope of fill will not cause wave run-up or ramping.
- (d) >>Sand dunes or mangrove stands.<< No man-made alteration of sand dunes or mangrove stands >>that<< ~~[[which]]~~ will increase potential flood damage shall be permitted.
- (e) >>Lattice work, decorative screening, or breakaway walls below the lowest floor.<< Lattice work ~~[[or]]~~>>, decorative screening>>, and breakaway walls<< shall be allowed below the >>lowest floor<< ~~[[base flood]]~~ elevation>>, provided >>that such work, screening, or wall meets all of the following specifications:
- (1)<< it is not part of the structural support of the building>>; and
 - >>(2) it<< is designed >>to comply with the Florida Building Code<< ~~[[so as]]~~ to breakaway under >>base flood or lesser flood conditions and collapse under specific lateral loads<< ~~[[abnormally high tides or wave action]]~~ without damage to the structural integrity of the building on which it is to be used>>, the supporting foundation system, or

any other building to which it might be carried by floodwaters;<< and ~~[[provided the following design specifications are met:~~

- ~~(1)]>>(3)~~ it is constructed<< ~~[[Material shall consist]]~~ of lattice, mesh screening>>,<< ~~[[or]]~~ unreinforced concrete block>>, wood, metal, plastic, or other suitable flood-damage-resistant material;<< and ~~[[shall satisfy all provisions in Section 11C-2(h)]]~~
- >>(4) breakaway walls other than lattice and mesh screen shall comply with the requirements for openings in paragraph 11C-5(f)(2).<<

- (f) >>Limitations for enclosures. Areas enclosed as specified in subsection (e) above shall be limited as follows:<< ~~[[If aesthetic lattice work screening, or unreinforced concrete block (breakaway walls) is, such]]~~
- >>(1)<< enclosed >>areas<< ~~[[space]]~~ shall not be designed for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises ~~[[Areas]]~~>>; and
- (2) areas<< enclosed by unreinforced concrete block or breakaway walls ~~[[breakaway walls]]~~ >>and<< exceeding >>299<< ~~[[two hundred ninety nine (299)]]~~ square feet in size >>may<< ~~[[with]]~~ be considered the lowest floor for >>federal<< flood insurance purposes>>, which may result in<< ~~[[and therefore]]~~ higher insurance premiums ~~[[will result]]~~.
- (g) >>Plans for enclosures required. Plans<< ~~[[Prior to construction, plans]]~~ for any structures that will have >>enclosures as specified in subsection (e) and (f) above<< ~~[[lattice work or decorative screening or a breakaway wall,]]~~ shall be submitted to the >>Director<< ~~[[county official]]~~ for approval.
- (h) >>Restriction on enclosure below lowest floor.<< Any alteration, repair, reconstruction>>,<< or improvement to a structure shall not enclose the space below the lowest floor except ~~[[with lattice work, decorative screening,]]~~ as provided >>in subsections (e) and (f) above<< ~~[[for in Section 11C-4(e), or concrete as provided by Section 11C-2(h)]]~~.

- (i) >>Engineer or architect certification required.<< A >>Florida-licensed<< ~~[[registered]]~~ professional engineer or architect shall >>develop or review the structural design, specifications, and plans for the construction, and shall<< certify that the >>design and methods of construction to be used are in accordance with the accepted standards of practice to meet the requirements of this section, and the<< structure is securely anchored to adequately anchored pilings or columns to withstand velocity waters and hurricane wave wash.
- (j) >>Restriction on manufactured homes.<< No manufactured homes ~~[[, except in existing manufactured home parks and manufactured home subdivisions,]]~~ shall be placed>>, replaced, or substantially improved unless such home meets the elevation, anchoring, and other applicable requirements for residential structures set forth in this section and the Florida Building Code<< ~~[[within this zone, provided all of the anchoring and elevation standards of Sections 11C-4(i) and 11C-4(b)(2) are met]]~~.
- (k) >>Restriction on recreational vehicles.<< All recreational vehicles shall either:
- (1) Be fully licensed and ready for highway use>>₂, which means that it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached structures<<; or
 - (2) ~~[[The recreational vehicle shall meet]]~~ >>Meet<< all the requirements for new construction, including anchoring and elevation requirements>>₂<< of >>subsection (j) above<< ~~[[Sections 11C-4(i) and 11C-4(b)(2)]]~~; or
 - (3) Be on the site for fewer than >>180<< ~~[[one hundred eighty (180)]]~~ consecutive days. ~~[[A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.]]~~
- >>(l) Other development. In coastal high hazard areas (Zone V) and Coastal A Zone:
- (1) Development other than buildings and structures shall be permitted only if:
 - (i) it is located outside the footprint of, and not structurally attached to, a structure; and

- (ii) an analysis prepared by a Florida-licensed professional engineer demonstrates that no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures will result.
 - (iii) Development subject to this subsection includes but is not limited to:
 - a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - b. Solid fences, privacy walls, and fences prone to trapping debris, except where such fences or walls are designed and constructed to fail under flood conditions less than the base flood or otherwise avoid obstruction of floodwaters; and
 - c. On-site sewage treatment and disposal systems consisting of filled systems or mound systems.
- (2) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (3) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a Florida-licensed professional engineer demonstrates that no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures will result.
- (4) Where authorized by the Florida Department of Environmental Protection or successor agency or by the Department, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection, only if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.<<

**Section 11C-5. – Development within Special Flood Hazard
[[SFH]] Areas.**

- (a) >>Compliance required. No building permit or other development approval subject to section 11C-3 may be issued for development within an SFHA unless this section is complied with.
- (b) Residential structures.<< No new construction or substantial improvement of any residential structure ~~[[or manufactured home]]~~ shall be permitted in >>an SFHA<< ~~[[SFH Areas]]~~, and no building permit ~~[[referred to in Section 11C-3 of this chapter]]~~ shall be issued therefor, unless said new construction>>, reconstruction,<< or substantial improvement ~~[[has the]]~~ >>complies with the following:
- (1) The structure's<< lowest floor (including basement) >>and any attached garages or enclosures and detached accessory buildings shall be<< elevated to or above ~~[[the level of]]~~ the >>base<< ~~[[regulatory]]~~ flood >>elevation plus freeboard, except as provided in paragraph (4) below<< ~~[[100-year flood]]~~.
- >>(2)<< Electrical, plumbing and other attendant utilities are prohibited below the base flood elevation.
- >>(3) Machinery, equipment, and mechanical items, including, without limitation, those placed within attached garages or within enclosures below elevated buildings, shall be elevated to or above the base flood elevation plus freeboard.
- (4) Residential structures are not permitted to be dry or wet floodproofed, except that attached garages, enclosures below elevated buildings, and accessory buildings may use wet floodproofing, provided that machinery, equipment, and mechanical items comply with paragraph (3) above, enclosures comply with subsection (e) below, and accessory buildings comply with section 11C-6.
- (c) Nonresidential structures.<< ~~[[b)]]~~ No new construction or substantial improvement of any nonresidential structure shall be permitted in >>an SFHA<< ~~[[SFH Areas]]~~, and no building permit ~~[[referred to in Section 11C-3 of this chapter]]~~ shall be issued therefor, unless ~~[[said new construction substantial improvement has the]]~~>>:

- (1) the structure's<< lowest floor (including basement)
>>is<< elevated to or above the ~~[[level of the]]~~
>>base<< ~~[[regulatory]]~~ flood ~~[[one hundred year flood]]~~ >>elevation plus freeboard<< or
>>(2)<< if the lowest permitted floor level of such nonresidential structure (including basement) is below the ~~[[regulatory]]~~ >>base<< flood ~~[[level]]~~ >>elevation plus freeboard<< then such nonresidential structure >>_i<< together with attendant utility and sanitary facilities >>_i<< shall be floodproofed up to >>the base flood elevation plus freeboard<< ~~[[one (1) foot above the regulatory flood;]]~~ >>, provided that in no event shall such<< ~~[[provided that the]]~~ lowest floor level ~~[[of such nonresidential structure (including basement) shall be not]]~~ >>be<< more than >>10<< ~~[[ten (10)]]~~ feet below the >>base<< ~~[[regulatory]]~~ flood >>elevation<< ~~[[level]]~~.
- >>(3) Machinery, equipment, and mechanical items, including, without limitation, those placed within attached garages or within enclosures below elevated buildings, shall be elevated to or above the base flood elevation plus freeboard.
- (4)<< Where >>dry<< floodproofing is utilized for a ~~[[particular]]~~ >>nonresidential<< structure, a >>Florida-licensed<< ~~[[registered]]~~ professional engineer or architect shall certify that the floodproofing methods are >>designed in accordance with the Florida Building Code and ASCE 24 and are<< adequate to withstand the flood depth, pressures, velocities, impact >>_i<< and uplift forces associated with the base flood, and a record of such certificates indicating the ~~[[specific]]~~ >>as-built<< elevation ~~[[in relation to mean sea level]]~~ to which such structures are floodproofed shall be maintained with the >>Director<< ~~[[designated official]~~.

~~(e)]~~ >>(d) Manufactured homes. No manufactured home shall be placed, replaced, or substantially improved within an SFHA, and no building permit shall be issued therefor, unless such home meets the elevation, anchoring, enclosure, equipment, and other requirements for residential structures set forth in this section and the Florida Building Code.<< ~~[[All manufactured homes placed, or substantially improved on individual lots or parcels, in~~

~~expansions to existing manufactured home parks or subdivisions, and in new manufactured home parks, shall meet all of the requirements for new construction, including elevation and anchoring.~~

- (d) ~~All manufactured homes placed, or substantially improved in an existing manufactured home park or subdivision shall be elevated so that:~~
- ~~(1) The lowest floor of the manufactured home is elevated no lower than the level of the based flood elevation; or~~
 - ~~(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than thirty-six (36) inches in height above grade.~~
 - ~~(3) The manufactured home shall be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.~~
 - ~~(4) In an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved shall meet the standards of Section 11C-5(d)(1) and (3).]]~~
- (e) >>Recreational vehicles<< All recreational vehicles placed on sites shall meet the requirements of >>subsection<< [[~~Section~~]] 11C-4(k).
- (f) >>Enclosures below elevated<< [[~~Elevated~~]] buildings.
- >>(1)<< New construction or substantial improvements [[~~of elevated buildings~~]] that include fully enclosed areas formed by foundations and other exterior walls below the >>lowest floor<< [[~~base flood elevation~~]] shall be designed >>only for<< [[~~to preclude finished living space except allowable uses i.e.~~]] parking, limited storage>>,<< and building access>>,<< and shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- >>(2) Foundation designs and all other designs used to comply<< [[~~Designs for complying~~]] with >>the foregoing<< [[~~this~~]] requirement [[~~must either~~]] >>shall<< be certified by a >>Florida-licensed<< professional engineer or architect>>, as applicable

by type of building, << ~~[[or]]~~ >> to << meet the following minimum criteria:

>>(i)<< ~~[[4]]~~ Provide a minimum of two ~~[[2]]~~ openings >> on different sides of each enclosed area << having a total net area of not less than one ~~[[4]]~~ square inch for every square foot of enclosed area subject to flooding;

>>(ii)<< ~~[[2]]~~ The bottom of all openings shall be no higher than one ~~[[4]]~~ foot above >> the higher of the final interior << grade >> or floor and the finished exterior grade immediately under each opening <<; and

>>(iii)<< ~~[[3]]~~ Openings may be equipped with screens, louvers, valves >> ~~or~~ << or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

>>(iv)<< ~~[[4]]~~ Electrical, plumbing, and other utility connections are prohibited below the base flood elevation >> plus freeboard <<;

>>(v)<< ~~[[5]]~~ Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

>>(vi)<< ~~[[6]]~~ The interior portion of such enclosed area shall not be partitioned or finished into separate rooms or air conditioned.

- (g) *Floodways.* >> As of November 1, 2022, Miami-Dade County has no designated floodways. If a floodway is designated in the future, this subsection (g) shall apply to any such designated floodways. Floodways subject to the regulations set forth in this chapter shall only be those that are designated as such by both (i) appropriate action by FEMA, the United States Army Corps of Engineers, or the State of Florida and (ii) adoption of such designations by the Board of County Commissioners. << ~~[[Located within areas of special flood hazard are areas designated as floodways.]]~~ Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential

projectiles and has erosion potential, the following
>>additional requirements<< ~~[[provisions]]~~ shall apply:

- (1) ~~[[Prohibit encroachments]]~~ >>Encroachments<<, including>>, without limitation,<< fill, new construction, substantial improvements>>,<< and other developments>>, are prohibited,<< unless certification (with supporting technical data) by a >>Florida-licensed<< ~~[[registered]]~~ professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge[[;]]>>,<<
- (2) ~~[[If Section 11C-5(f)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 11C-5;~~
- (3) ~~Prohibit the placement]]~~ >>Placement<< of manufactured homes (mobile homes) >>is prohibited in a floodway<<[[, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Section 11C-5(c) and (d) and the elevation standards of Section 11C-5(a) are met]].

>>(h) Alteration of a watercourse. Applicants proposing alteration of a watercourse shall:

- (1) delineate the existing watercourse and the proposed new alignment of the watercourse;
- (2) submit a signed and sealed engineering analysis prepared in accordance with standard engineering practices that demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased;
- (3) provide a certification that the altered watercourse shall be maintained in a manner that preserves the flood-carrying capacity of the watercourse;
- (4) submit the analysis to FEMA;
- (5) notify adjacent jurisdictions and the Florida Division of Emergency Management, or successor agency, and submit copies of such notifications to FEMA.<<

Sec. 11C-6. - Accessory buildings.

~~[[Nothing herein shall be construed to exclude accessory buildings from the provisions of this chapter except as provided in this section.]]~~

- (a) >>No building permit for an accessory building in an SFHA or CHHA shall be issued unless the building complies with the applicable requirements of this chapter, or unless the accessory building complies with the following:
- (1) The building is used only for parking or storage.
 - (2) The building is anchored to resist flotation, collapse, and lateral movement resulting from flood loads.
 - (3) Flood-damage-resistant materials are used below the base flood elevation plus one foot.
 - (4) Mechanical, plumbing, and electrical systems, including plumbing fixtures, are elevated to or above the base flood elevation plus one foot.
 - (5) If the building is located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas:
 - (i) it is no more than one story in height; and
 - (ii) it is no larger than 600 sq. ft.
 - (6) If the building is located in coastal high hazard areas (Zone V/VE):
 - (i) it is no larger than 100 sq. ft.;
 - (ii) it is not located below an elevated building.
- (b)<< Pre-manufactured sheds and wood sheds >>that are located outside of an SFHA or CHHA shall only be required to comply with the applicable requirements of the Florida Building Code and not any additional provisions of this chapter if such sheds comply with all of the following:
- (1) the shed has<< [[with]] a gross area less than 720 square feet>>; and
 - (2) the shed is<< used solely for storage[[;]]>>; and
 - (3) the shed is<< incidental to a single-family or duplex use<< [[shall be exempt from the provisions of this chapter]].

Sec. 11C-7. – Application of chapter.

- (a) This chapter shall apply to and be enforced in the unincorporated areas of Miami-Dade County >>, as well as in the portions of the incorporated areas where the County exercises exclusive jurisdiction over development orders and development permits<<.
- (b) The >>Flood Insurance Study (FIS) together with the<< Flood Insurance Rate Map (FIRM) for Miami-Dade County, as amended effective ~~[[November 4, 1987, together with the Flood Insurance Study (FIS) therein, and as amended effective January 20, 1993, 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. 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, Department of Environmental Resources Management and the Department of Public Works]]~~.
- >>(c) If FEMA revises the FIS or one or more FIRM panels, such revision<< ~~[[Any changes, additions, or deletions to the FIRM or to the FIS for Miami-Dade County]]~~ shall >>require approval by ordinance of<< ~~[[be approved by]]~~ the Board of County Commissioners >>before being relied upon to implement this chapter<< ~~[[by ordinance]]~~.
- >>(1)<< The County shall >>publish a courtesy notice in a newspaper of general circulation<< ~~[[mail a courtesy notice]]~~ of any change in the FIRM or to the FIS, as amended from time to time, >>and may also mail a courtesy notice of such change<< to all property owners in the unincorporated area of Miami-Dade County affected by such change.
- >>(2)<< Failure to mail or receive said courtesy >>notices<< ~~[[notice]]~~ shall not affect the validity of any such change or this chapter.
- >>(d) All references in this chapter to the Florida Building Code shall be deemed to refer to the most current version.<<
- ~~[[e)] The provisions of this chapter shall constitute minimum standards throughout unincorporated Miami-Dade County.]]~~

Sec. 11C-8. – Enforcement.

The >>Director<< ~~[[County Manager or his designee]]~~ shall administer and enforce the provisions of this chapter ~~[[within the unincorporated areas of Miami-Dade County]]~~.

Sec. 11C-9. – Rules for interpreting area boundaries.

The boundaries of the flood hazard areas shown on the official flood insurance rate maps may be determined by scaling distances. Required interpretations of those maps for precise locations of said boundaries shall be made by the Director ~~[[of the Miami-Dade County Department of Environmental Resources Management or his designee within the unincorporated areas of Miami-Dade County]]~~. Said interpretations >>may be appealed in accordance with section 24-11 and other provisions of chapter 24 governing appeals of the Director's decisions<< ~~[[shall be subject to review in accordance with Section 11C-12(j) of this Code]]~~.

Sec. 11C-10. – Effect of provisions upon ~~[[ordinances, building code,]]~~ other regulations.

This chapter shall supersede any conflicting county ordinance ~~[[, building code]]~~ or ~~[[any]]~~ other county regulation to the extent that this chapter imposes more stringent requirements for the use or development of any lands or structures within >>an SFHA or CHHA<< ~~[[SFH or CHH Areas]]~~ in the unincorporated areas of the county. It is not intended to repeal, modify, or change any such county ordinance, building code or other county regulation except as herein stated

Sec. 11C-11. - Interpretation.

The provisions of this chapter shall be liberally construed in favor of the governmental entities affected hereby ~~[[in order]]~~ to effectuate the purposes herein stated.

Sec. 11C-12. – Variances>>; appeals of administrative decisions<<.

- (a) >>General requirements for variances.
(1) Except as provided in this section, variances to the provisions of this chapter shall be governed by sections 24-12 and 24-13.<< ~~[[Authority of the~~

~~Director of the Department of Environmental Resources Management. The Director of the Department of Environmental Resources Management or his designee shall have the authority and duty to consider and act upon applications for a variance from these regulations for properties located within the unincorporated or incorporated areas of Miami-Dade County as hereinafter set forth.]]~~

>>(2) Variances from the requirements of this chapter and the flood provisions of the Florida Building Code that are not be contrary to the public interest may be granted only in accordance with this section.

(3) In<< [[The Director of the Department of Environmental Resources Management or his designee is hereby advised that in]] granting any variances hereunder, [[said Director]] >>the applicable board as provided in chapter 24<< shall consider>>, in addition to other criteria enumerated in this section:

(i)<< the purposes of ~~[[the National Flood Insurance Program as specified in Title 24, Code of Federal Regulations, Chapter 10, subchapter B, Parts 1909 et seq. Furthermore, the Director of the Department of Environmental Resources Management or his designee shall consider]]~~>>44 C.F.R. § 60.6; and

(ii)<< the fact that an annual report on variances granted >>may be required by FEMA<< [[shall be submitted to the National Flood Insurance Administration]], which report is the basis for continued availability of flood insurance to the inhabitants of [[the unincorporated areas of]] Miami-Dade County[[;]] and therefore >>that<< variances shall be granted with extreme caution.

[[~~(b) The Director of the Department of Environmental Resources Management or his designee may grant variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions hereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that~~

~~the variance will be in harmony with the general purpose and intent of this chapter and that the same is the minimum variance that will permit the reasonable use of the premises.]]~~

>>(4)<< Upon receipt of all necessary information, including a staff report, the >>applicable board<< ~~[[Director or his designee]]~~ shall review the information and render ~~[[his]]~~ >>a<< decision, either approving, modifying or denying the request.

>>(5)<< A copy of said decision shall be published in a newspaper of general circulation.

>>(6)<< All approvals or modifications shall not be effective until >>10<< ~~[[ten (10)]]~~ days after the ~~[[Director's or his designee's]]~~ decision is published in a newspaper of general circulation.

>>(7)<< A courtesy notice containing the decision ~~[[of the Director of his designee]]~~ may be mailed to adjacent and abutting property owners of record, their tenants>>;<< or their agents, that are duly noted on the application. The failure to mail or receive such courtesy notice shall not affect any action or proceedings taken hereunder.

>>(8)<< The Director ~~[[of the Department of Environmental Resources Management or his designee]]~~ shall notify the >>directors of the zoning department and the public works department<< ~~[[Director of the Planning and Zoning Department and the Public Works Department]]~~ of all decisions made pursuant to this subsection.

[[~~(e)~~]] >>(b) Variances related to historic structures. The Director may administratively approve variances, subject to appropriate conditions, limitations, and restrictions,<< ~~[[Variances may be issued by the Director or his designee]]~~ for the reconstruction, rehabilitation>>;<< or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places >>or designated in accordance with chapter 16A<< without regard to the procedures set forth in the remainder of this section, except for >>subsections (e) and (f) below<< ~~[[Section 11C-12(g)(1) and Section 11C-12(g)(2)]]~~, and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

~~[(d)]~~ >>(c) General considerations for variances.<< In passing upon all such applications except those pursuant to >>subsection (b) above<< ~~[[Section 11C-12(e)]]~~, the >>applicable board<< ~~[[Director of the Miami-Dade County Department of Environmental Resources Management, or his designee,]]~~ shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- (1) The danger that material may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity of the facility to be located on the waterfront;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

~~[(e)]~~ >>(d) Authorization to impose conditions.<< Upon consideration of the factors listed above, and the purposes of this chapter, the >>applicable board<< ~~[[Director of the Miami-Dade County Department of Environmental Resources Management or his designee]]~~ may attach such conditions, limitations, and restrictions to any variance as >>it<< ~~[[the Director or his designee]]~~ deems necessary >>or appropriate<< to further the purposes of this chapter.

[[~~(f)~~]] >>(e) Floodways.<< Notwithstanding anything in this chapter to the contrary, variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

>>(f) Additional criteria<< [[~~(g)~~ ~~Criteria~~]] for variances:

- (1) Variances shall be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a >>historic structure<< [[~~historical building~~]], a determination that the variance is the minimum necessary >>to permit the building's continued listing as a historic structure and to preserve<< [[~~in order not to destroy~~]] the historic character and design of the building;
- (2) Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance will result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, >>or<< extraordinary public expense, create a nuisance, cause a fraud upon or victimization of the public, or conflict with existing local laws or ordinances.

[[~~(h)~~]] >>(g) Notice to variance applicant of impact to flood insurance rates.<< Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the >>premium rates for<< [[~~cost of~~]] flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation>>, which, as of August 2022, is as high as \$25 for \$100 of insurance coverage<<.

[[~~(i)~~]] >>(h) Records and reports of variances.<< The Director [[~~of the Miami-Dade County Department of Environmental Resources Management or his designee~~]] shall maintain the records of all variance actions and report any variances to >>FEMA<< [[~~the Federal Emergency Management Agency~~]] upon request.

[[~~(j)~~]] >>(i) Appeal of administrative decisions.<< Review of any decision or action of the Director >>shall be governed by section 24-11 and other provisions of chapter 24

applicable to appeals of the Director's decisions.<< ~~[[of the Department of Environmental Resources Management or his designee pursuant to this chapter shall be to the Miami-Dade County Environmental Quality Control Board, in accordance with the procedures set forth in Section 24-6 of the Code of Metropolitan Miami-Dade County, Florida. Any person aggrieved by any decision of the Miami-Dade County Environmental Quality Control Board on an appeal may seek judicial review in accordance with the Florida Rules of Appellate Procedure.]]~~

Sec. 11C-13. - Warning and disclaimer of liability.

The degree of flood protection required herein is considered reasonable for regulatory purposes and is based on scientific studies. Larger floods may occur. This chapter shall not be deemed to imply that areas inside or outside designated flood hazard areas will be entirely free from flooding or flood damages, and shall not create liability on the part of Miami-Dade County or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Sec. 11C-14. - Severability.

If any section, clause, provisions, or portion of this chapter ~~[Ordinance 87-75, Section 1]~~ is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of said chapter shall not be affected thereby.

Sec. 11C-15. - Penalties for violation.

- (a) >>Any person violating any of the provisions of this article shall be subject to enforcement in accordance with division 3 of article I of chapter 24, section 24-7, section 1-5, and chapter 8CC.<< ~~[[Willful violations of the provisions of this chapter or failure to comply with any requirements hereunder (including violations of conditions, restrictions, or limitations established in connection with any variances) shall constitute an offense punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than sixty (60) days or both.]]~~ Each day such violation continues shall be considered as a separate offense.

- (b) >>It is further provided that the Director is hereby authorized to<< ~~[[Notwithstanding the provisions of subsection (a) above, the official responsible for the enforcement of the provisions of this chapter may]]~~ secure enforcement hereof by any legal action necessary, such as application to any court of injunctive relief, revocation of any building permit issued hereunder>>₁<< or other appropriate means.

Sec. 11C-16. – ~~[[When chapter provisions effective.~~

~~The provisions of this chapter shall become effective on January 20, 1993. However:~~

- (a) ~~The provisions of this chapter shall not apply to those buildings for which a building permit has been issued and is in effect or for which proper and complete applications and plans have been submitted for building permits on or before the effective date of this chapter provided that the construction under the permit shall be commenced and progressively carried to a conclusion within the time limitations for permits established in Section 304.3 of the South Florida Building Code. Furthermore, the provisions of this chapter shall not apply to buildings for which:~~
- ~~(1) Plans and specifications as required by Section 302.2, South Florida Building Code, were in actual preparation prior to December 20, 1992; and~~
 - ~~(2) Said plans and specifications were substantially completed by December 31, 1992; and~~
 - ~~(3) Applications for building permits, accompanied by said plans and specifications, as completed, have been submitted for building permits prior to January 10, 1993; and~~
 - ~~(4) Construction under said building permits is commenced and progressively carried to a conclusion within the time limitations for permits established in Section 304.3 of the South Florida Building Code.~~
- (b) ~~For the purpose of this section, the burden shall be on the applicant to submit to the Department of Environmental Resources Management, competent, substantial evidence establishing compliance with these provisions. Such evidence may include affidavits sworn to under oath by registered professional Florida architects or engineers; dated work sheets of such architects or engineers; invoices;~~

~~contracts and other tangible documentary evidence establishing compliance herewith. The term "substantially completed" shall mean that the plans and specifications referred to hereinabove are fifty (50) percent or more completed as of December 20, 1992.~~

- (e) ~~Determinations by the director of the Department of Environmental Resources Management, pursuant to this section, may be appealed to the Environmental Quality Control Board in accordance with the provisions of Section 24-6 of the Code of Metropolitan Miami Dade County.~~

~~Sec. 11C-17.--]] Required disclosure in contracts for sale of real estate.~~

- (a) In any contract for the sale of improved real estate located in unincorporated Metropolitan Miami-Dade County which is in a Coastal High Hazard Area, the seller shall include in the contract or a rider to the contract the following disclosure in not less than ten-point bold-faced type:

THIS HOME OR STRUCTURE IS LOCATED IN A COASTAL HIGH HAZARD AREA. IF THIS HOME OR STRUCTURE IS BELOW THE APPLICABLE FLOOD ELEVATION LEVEL AND IS SUBSTANTIALLY DAMAGED OR SUBSTANTIALLY IMPROVED, AS DEFINED IN CHAPTER 11C OF THE METROPOLITAN MIAMI-DADE COUNTY CODE, IT MAY, AMONG OTHER THINGS, BE REQUIRED TO BE RAISED TO THE APPLICABLE FLOOD ELEVATION LEVEL.

- (b) In any contract for the sale of improved real estate located in unincorporated Metropolitan Miami-Dade County which is in a Special Flood Hazard Area, the seller shall include in the contract or a rider to the contract the following disclosure in not less than ten-point bold faced type:

THIS HOME OR STRUCTURE IS LOCATED IN A SPECIAL FLOOD HAZARD AREA. IF THIS HOME OR STRUCTURE IS BELOW THE APPLICABLE FLOOD ELEVATION LEVEL AND IS SUBSTANTIALLY DAMAGED OR SUBSTANTIALLY IMPROVED, AS DEFINED IN CHAPTER 11C OF THE METROPOLITAN MIAMI-DADE COUNTY CODE, IT

MAY, AMONG OTHER THINGS, BE REQUIRED TO
BE RAISED TO THE APPLICABLE FLOOD
ELEVATION LEVEL.

Section 3. Section 2-114.1 of the Code of Miami-Dade County, Florida, is hereby
amended to read as follows:

**Sec. 2-114.1. - Administrative review of takings and vested
rights claims.**

(a) *Documentation of claim.*

- (1) Any applicant alleging that the Comprehensive Development Master Plan, as applied to a particular development order or action, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights (taking or abrogation)>>_<< and any person or entity claiming a potential taking or abrogation under >>chapter 11C<< chapter 24>>_<< or chapter 33, must affirmatively demonstrate the legal requisites of the claim by exhausting the administrative remedy provided in this section.

* * *

(c) *Invocation of administrative remedy.*

* * *

- (2) Any applicant alleging that the action of the Board of County Commissioners or a Community Zoning Appeals Board upon an application for a zoning action under chapter 33, or the action of the Board of County Commissioners or the Environmental Quality Control Board pursuant to >>chapter 11Cor<< chapter 24, would constitute a taking or abrogation shall file a complete sworn statement with the Developmental Impact Committee Coordinator not later than 45 days before the first hearing on the developmental resolution.

* * *

Section 4. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The “descriptions of violations” below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed sections of this code, except to the extent that different types of violations of the same section may carry different civil penalties. For each section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this chapter, regardless of whether all activities proscribed or required within that particular section are described in the “Description of Violation” column. To determine the exact nature of any activity proscribed or required by this code, the relevant section must be examined.

Code Section	Description of Violation	Civil Penalty
* * *		
>> <u>Chapter 11C</u>	<u>All chapter 11C violations</u>	<u>500.00</u> <<
* * *		

Section 5. 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 6. 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. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. 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:

October 18, 2022

Approved by County Attorney as
to form and legal sufficiency:

EW for

Prepared by:

DK

Abbie Schwaderer-Raurell
Dennis A. Kerbel