

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Alina T. Hudak, City Manager 

DATE: March 21, 2023

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 54 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "FLOODS," BY AMENDING ARTICLE II, ENTITLED "FLOODPLAIN MANAGEMENT," BY AMENDING DIVISION IV THEREOF, ENTITLED "PROVISIONS FOR FLOOD HAZARD REDUCTION," BY AMENDING SECTIONS 54-48, TO PROVIDE FOR CORRECTION TO THE ORDINANCE TO STAY IN KEEPING WITH THE FREEBOARD ORDINANCES; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AN EFFECTIVE DATE.**

Background:

On April 6, 2022, the City Commission adopted Ordinance 2022-4483, an amendment to Chapter 54 of the Miami Beach City Code, which intended to update the City's flood elevation requirements and ensured that the updates complied with state and federal floodplain regulation language.

Unfortunately, the adopted ordinance contained a scrivener's error in Article II. Floodplain Management, Sec. 54-48. Specific Standards subsections 1(a) and 2(a) that would have not maintained the expected level of regulatory compliance as originally intended.

The purpose of this item is to correct the minimum elevation requirements for residential and non-residential construction that were erroneously approved in Ordinance 2022-4483 under chapter 54 Floods - Article II. Floodplain Management, Sec. 54-48. Specific Standards subsections 1(a) and 2(a). The corrected language would read as follows:

(1) Residential construction

a) All new construction and substantial improvement of any residential building (including manufactured homes) shall have the lowest finished floor including electrical, heating, ventilation, plumbing, air conditioning equipment, cable, telephone, and other service facilities, including duct work elevated to no lower than ~~8-0~~ 9.0 ft. NGVD (6-44; 7. 44 ft. NAVD), the crown of road or sidewalk plus one foot, or the base flood elevation plus minimum freeboard, whichever is higher. Walls of enclosures and solid foundation perimeter walls shall meet the requirements of subsection 54-48(3).

(2) Nonresidential construction.

a) All new construction and substantial improvement of any commercial, industrial, or nonresidential building (including manufactured homes) shall have the lowest floor, including basement, electrical, heating, ventilation, plumbing, air conditioning equipment, cable,

telephone, and other service facilities, including duct work, elevated to no lower than ~~8.0~~ 9.0 ft. NGVD (~~6.44~~ 7.44 ft. NAVD), the crown of road or sidewalk plus one foot, or the base flood elevation plus minimum freeboard, whichever is higher. All buildings located in A-zones may be floodproofed, in lieu of being elevated, provided that all areas of the building components, together with attendant utilities and sanitary facilities, below the base flood elevation, plus minimum freeboard are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer shall certify that the standards of this subsection are satisfied using the FEMA floodproofing certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the floodplain administrator.

ANALYSIS

The flood regulations assist the city in maintaining favorable flood insurance ratings. This is one of the wide variety of activities and regulations that support the CRS score. The community continues to enjoy up to an overall 25% savings on flood insurance premiums due to this effort. Any item that negatively affects the CRS rating affects our residents.

FISCAL IMPACT

The fiscal impact of this item would be a possible increase to the CRS score and therefore a 5% increase to flood insurance premiums.

RECOMMENDATION

The Administration recommends that the City Commission adopt the attached Ordinance.

EC/AMS



ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 54 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "FLOODS," BY AMENDING ARTICLE II, ENTITLED "FLOODPLAIN MANAGEMENT," BY AMENDING DIVISION IV THEREOF, ENTITLED "PROVISIONS FOR FLOOD HAZARD REDUCTION," BY AMENDING SECTIONS 54-48, TO PROVIDE FOR CORRECTION TO THE ORDINANCE TO STAY IN KEEPING WITH THE FREEBOARD ORDINANCES; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has worked tirelessly to provide more resilient flood resistance; and

WHEREAS, the City desires to ensure the flood design standards are maintained or enhanced; and

WHEREAS, the City of Miami Beach participates in the National Flood Insurance Program ("NFIP") and has achieved a Class 5 rating in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, on March 3, 2022, the Mayor and City Commission adopted Ordinance No 2022-4483, amending provisions in Chapter 54 of the City Code, entitled "Floods," in order to conform existing provisions with the requirements of the National Flood Insurance Program, managed by the Federal Emergency Management Agency, and the Florida Building Code; and

WHEREAS, a typographical error was discovered in a previously approved ordinance that would adversely affect flood resiliency and the City in its Community Rating System score; and

WHEREAS, the amendments set forth in this Ordinance are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Division IV of Article II of Chapter 54 of the City Code entitled "Floods" is hereby amended as follows:

CHAPTER 54 – FLOODS

* * *

ARTICLE II. - FLOODPLAIN MANAGEMENT

* * *

DIVISION IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

* * *

Sec. 54-48. Specific standards

- (1) Residential construction.
 - a) All new construction and substantial improvement of any residential building (including manufactured homes) shall have the lowest finished floor including electrical, heating, ventilation, plumbing, air conditioning equipment, cable, telephone, and other service facilities, including duct work elevated to no lower than ~~8-0~~ 9.0 ft. NGVD (~~6-44~~ 7.44 ft. NAVD), the crown of road or sidewalk plus one foot, or the base flood elevation plus minimum freeboard, whichever is higher. Walls of enclosures and solid foundation perimeter walls shall meet the requirements of subsection 54-48(3).
- (2) Nonresidential construction.
 - a) All new construction and substantial improvement of any commercial, industrial, or nonresidential building (including manufactured homes) shall have the lowest floor, including basement, electrical, heating, ventilation, plumbing, air conditioning equipment, cable, telephone, and other service facilities, including duct work, elevated to no lower than ~~8-0~~ 9.0 ft. NGVD (~~6-44~~ 7.44 ft. NAVD), the crown of road or sidewalk plus one foot, or the base flood elevation plus minimum freeboard, whichever is higher. All buildings located in A-zones may be floodproofed, in lieu of being elevated, provided that all areas of the building components, together with attendant utilities and sanitary facilities, below the base flood elevation, plus minimum freeboard are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer shall certify that the standards of this subsection are satisfied using the FEMA floodproofing certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the floodplain administrator.

SECTION 2. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. Codification.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. Severability.

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

SECTION 5. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2023

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

EX

3-16-23
Date