

COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE TOWN

hearing on these regulations as required by law on December _____, 2012.

WHEREAS, the Town Commission shall have conducted a second duly noticed public

having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission held its first public hearing on November 13, 2012,

input; and

held its hearing on the proposed amendments on December 4, 2012 with due public notice and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town,

height requirement of all construction by passage of Ordinance No. 12-1592; and

base flood elevation and address issues and provide clarification relating to the current floor

WHEREAS, the Town of Surfside ("Town") amended its Code of Ordinances to address

AN ORDINANCE OF THE TOWN COMMISSION OF
THE TOWN OF SURFSIDE, FLORIDA AMENDING
CHAPTER 42 AND SPECIFICALLY SECTION 42-41
"DEFINITIONS"; SECTION 42-76 "PERMIT
PROCEDURES"; SECTION 42-77 "DUTIES AND
RESPONSIBILITIES OF THE FLOODPLAIN
ADMINISTRATOR"; SECTION 42-91 "GENERAL
STANDARDS"; SECTION 42-92 "SPECIFIC
STANDARDS" INCLUDING RE-INSERTION OF
SUBPARAGRAPH (6) RELATING TO THE CCCL;
AND SECTION 42-95 COASTAL HIGH HAZARD
AREAS (V-ZONES) OF THE TOWN OF SURFSIDE
CODE OF ORDINANCES PROVIDING FOR
INCLUSION IN THE CODE; REPEALING ALL
ORDINANCES OR PARTS OF ORDINANCES IN
CONFLICT HERewith; AND PROVIDING FOR AN
EFFECTIVE DATE

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

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

**Chapter 42 - FLOODS ARTICLE II. - FLOOD DAMAGE PREVENTION
DIVISION 2. DEFINITIONS**

Sec. 42-41 Definitions.

Freeboard means the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, ~~bridge openings~~ blockages in bridge and culvert openings and hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected frequency flood and floodway conditions.

Hardship as related to variances from this ordinance means the exceptional ~~hardship~~ difficulty associated with the land that would result from a failure to grant the requested variance. The community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Sec. 42-76. Development Permit Procedures.

(1) *Application stage:*

- a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
- b. Elevation in relation to mean sea level to which any nonresidential building will be floodproofed;
- c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed building will meet the flood-proofing criteria in subsection (2) and division 5, subsection 42-92(2) of the Surfside Code of Ordinances;
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
- e. Elevation in relation to mean sea level of the bottom of the lowest horizontal structural member of the lowest floor and provide a certification from a registered engineer or

architect indicating that they have developed and or reviewed the structural designs, specifications and plans of the construction and certified that are in accordance with accepted standards of practice in coastal high hazard areas.

(2) *Construction stage:* Upon placement of the lowest floor, or floodproofing by whatever construction means, or bottom of the lowest horizontal structural member it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the NGVD or NAVD elevation of the lowest floor or flood-proofed elevation, or bottom of the lowest horizontal structural member of the lowest floor as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. 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. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. The floodplain administrator shall review the lowest floor and floodproofing elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct violations detected by such review. 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.

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

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

~~(3) Advise permittee that additional federal, State of Florida, or local permits may be required, and if such additional permits are necessary, Require copies of additional Federal, State of Florida, or other permits, especially as it relates to F.S. §§ 161.053, 320.8249, 320.8359, 373.036, 380.05, 381.0065, and ch. 553, pt. IV, require that copies of such permits Florida Statutes be provided and maintained on file with the development permit.~~

(6) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (A-zones) or bottom of the lowest horizontal structural member of the lowest floor (V-zones) of all new construction and substantial improvements ~~or substantially improved buildings~~, in accordance with division 5, subsection 42-92(1) and (2) and subsection 42-95(2), respectively;

(7) Verify and record the actual elevation (in relation to mean sea level) to which the new construction and substantial improvements of nonresidential buildings ~~or substantially improved buildings~~ have been floodproofed, in accordance with division 5, subsection 42-92(2);

Secs. 42-78—42-90. - Reserved.

DIVISION 5. – PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 42-91. - General standards.

In all areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:

(1) New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse ~~or~~ and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) Manufactured homes shall be anchored to prevent flotation, collapse, ~~or~~ and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State of Florida requirements for resisting wind forces;

(4) New construction ~~or~~ and substantial improvements shall be constructed by methods and practices that minimize flood damage. See the applicable technical bulletin or bulletins for guidance;

(12) Standards for subdivision proposals and other proposed development (including manufactured homes parcs or subdivisions):

- a. All such ~~subdivision~~ proposals shall be consistent with the need to minimize flood damage;
- b. All such ~~subdivision~~ proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- c. All such ~~subdivision~~ proposals shall have adequate drainage provided to reduce exposure to flood hazards.

Sec. 42-92. - Specific standards.

In all A-zones where base flood elevation data have been provided (zones AE, AI-30, and AH), as set forth in division 3, section 42-57, the following provisions shall apply in addition to those specified in Sec. 42-91:

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

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

(3) *Elevated buildings.* New construction ~~or~~ and substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below

the lowest floor elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above foundation adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.
- b. Fully enclosed areas below the lowest floor shall solely be used for parking of vehicles, storage, and building access. Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.

(6) For all structures located seaward of the Coastal Construction Control Line (CCCL), the lowest floor of all new construction and substantial improvements shall be elevated to the regulatory flood elevation established by the Florida Department of Environmental Protection or by FEMA in accordance with Sec. 42-91, whichever is higher. All non-elevation design requirements of Sec. 42-95 shall apply.

Secs. 42-93, 42-94. - Reserved.

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

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

- (1) Meet the requirements of division 4, section 42-76, and division 5, sections 42-91, and 42-92, ~~(except subsection (7)), 42-93, and 42-94~~

(4) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new construction and substantially improved structures-substantial improvements. The floodplain administrator shall maintain a record of all such information.

(10) ~~Standard for recreational vehicles. Recreational vehicles placed on sites within zones VE, V1-V30, V (with base flood elevation) on the FIRM either~~

a. Prohibit the placement of recreational vehicles.

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

Secs. 42-96—42-110. - Reserved.

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

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

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

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

PASSED and ADOPTED on first reading this 13 day of November, 2012.

PASSED and ADOPTED on second reading this 11 day of December, 2012.




Daniel Dietch, Mayor

Attest: 

Sandra Novoa
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: Vice Mayor Karukin

On Second Reading Seconded by: Commissioner Graubart ^{3rd} _{1/16/13}

Vote:

Mayor Dietch	yes	<input checked="" type="checkbox"/>	no	_____
Vice Mayor Karukin	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Olchyk	yes	<input checked="" type="checkbox"/>	no	_____
Commissioner Kligman	yes	<u>Absent</u>	no	<u>Absent</u>
Commissioner Graubart	yes	<input checked="" type="checkbox"/>	no	_____