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

The coastal areas of Miami-Dade County, Florida, are subject to flooding resulting in danger to life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. The Board of County Commissioners of Miami-Dade County, by Resolution No. R-671-69, adopted on May 28, 1969, expressed willingness to take action necessary to meet the objectives of the National Flood Insurance Act of 1968 within Miami-Dade County, Florida; and by Resolution No. R-912-70, adopted on July 24, 1970, reaffirmed its interest in securing flood insurance coverage under said act, and agreed to establish by December 31, 1971, measures required under the Federal Insurance Program. In August of 1970, the Federal Insurance Administration declared the entire area of Miami-Dade County eligible for federally assisted flood insurance, which insurance will mitigate the effects of damages from such natural disasters as hurricanes and severe storms and their attendant flooding. This chapter is adopted to insure the continued availability of said flood insurance; to comply with federally imposed requirements; and to protect the public health, safety and general welfare, by minimizing flood losses in the coastal areas of Miami-Dade County, and to require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; control filling, grading, dredging and other development which may increase erosion or flood damage; and to insure that potential home buyers are notified that property is in a flood area.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92; Ord. No. 09-66, § 1, 7-21-09)

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, 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.

(a) *Accessory building* shall 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) *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.

(c) *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) *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) *Base flood* shall mean a flood having a one (1) percent chance of being equalled or exceeded in any given year.

(f) *Basement* shall mean that portion of a building having its floor subgrade (below ground level) on all sides.

(g) *Below grade facilities* shall mean off-street parking facilities constructed underground and other similar types of below grade areas within a building which are not habitable areas and, containing neither electrical nor mechanical equipment, are not considered habitable.

(h) *Breakaway 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.

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

(j) *Coastal high hazard area* shall mean the area 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) *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.

(l) *Miami-Dade County Flood Criteria Maps* shall mean those official maps of Miami-Dade County showing the required minimum finished grade elevation of the ground surface within a development site and as adopted by the Board of County Commissioners and recorded in Plat Book 120 at Page [13-1](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX_S13-1APPRWHPEAPMA), [13-2](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX_S13-2EX), [13-3](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX_S13-3DE), [13-4](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX_S13-4COLIUSPERETY) and [13-5](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX_S13-5APCOLIUSPEIS) of the Public Records of Miami-Dade County, as the same may be amended from time to time.

(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.

(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 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).

(q) *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.

(r) *Flood* or *flooding* shall 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) *Floodproofing* 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) *Flood hazard boundary area* shall 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) *Flood insurance rate map (FIRM)* shall mean an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(v) *Flood insurance study* shall mean the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

(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.

(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 used solely for parking vehicles.

(y) *Functionally dependent facility* 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) *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 of a structure.

(aa) *Historic structure* shall mean any structure that is:

(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

(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

(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

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

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

(bb) *Lowest floor* shall 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 buildings'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).

(cc) *Mangrove stand* shall mean an assemblage of mangrove trees which consists of one (1) or more of the following species: Black mangrove (*Avicennia germinans);* red mangrove (*Rhizophora mangle);* white mangrove (*Languncularia racemosa);* and buttonwood (*Conocarpus erecta)*.

(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.

(ee) *Manufactured 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 one hundred eighty (180) consecutive days or longer shall be regulated as manufactured homes.

(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) *Minimum finished grade* shall mean the elevation established in the Miami-Dade County Flood Criteria Maps at a specific development site or the crown of an existing adjacent road, whichever is higher.

(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) *New construction* shall mean 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.

(ll) *Recreational vehicle* shall mean a vehicle which is:

(1) Built on a single chassis; and

(2) 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) *Residential or residence* shall 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](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO), Code of Metropolitan Miami-Dade County, Florida.

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

(pp) *Start of new construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348))* shall 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) *Structure* shall 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) *Substantial damage* shall 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.

(ss) *Substantial improvement* shall mean any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a six-month period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. However, the accumulation period for a substantial improvement within any coastal building zone, as defined by Section 161.54(1), Florida Statutes, shall be five (5) years. The market value of the structure shall be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. "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. This term includes structures which incur substantial damage regardless of actual work performed. The term does not include either:

(1) Any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

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

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

(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.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92; Ord. No. 93-42, § 1, 5-18-93)

Sec. 11C-3. Development in either Special Flood Hazard (SFH) Areas, Coastal High Hazard (CHH) Areas, or Outside Special Flood Hazard Areas.

The County official responsible for the administration and enforcement of this chapter shall (to the extent not otherwise prohibited by Sections [11C-4](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-4DEWICOHIHAARCH) and [11C-5](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-5DEWISPFLHASFAR) with respect to development within SFH and CHH Areas):

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

(b) Review building permit applications for repairs within said areas to determine that the proposed repair:

(1) Uses construction materials and utility equipment which are resistant to flood damage; and

(2) Uses construction methods and practices which will minimize flood damage.

(c) 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 including Miami-Dade County Flood Criteria, crown of road information, Federal Flood Zone and base flood elevation.

(d) Review subdivision proposals and other proposed new developments to assure that:

(1) All such proposals are consistent with the need to minimize flood damage, 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; and

(e) Require new or replacement water supply systems and treatment plants and sanitary sewage plants and systems to be designed to minimize or eliminate infiltration of flood waters into the systems and plants and discharges from the systems and plants into flood waters, and require on-site waste water disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

(f) Require a lowest floor elevation of 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. Upon placement of the lowest floor, or floodproofing 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 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. 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 holder's risk. 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. 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) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) include 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](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-3DEEISPFLHASFARCOHIHACHAROUSPFLHAAR)(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.

(i) 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.

(j) In coastal high hazard areas, the County shall review plans for adequacy of breakaway walls in accordance with Sections [11C-4](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-4DEWICOHIHAARCH)(e), (f) and (g).

(k) When base flood elevation data or floodway data have not been provided in accordance with [Section 11C-7](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-7APCH)(b), then the County shall obtain, review and reasonable utilize any base flood elevation and floodway data available from a federal, State or other source, in order to administer the provisions of this chapter.

(l) All records pertaining to the provisions of this chapter shall be maintained in the office of the County official and shall be open for public inspection.

(m) Review proposed development to assure that no use shall be make for other than crop, grove, nursery and grazing purposes, or similar uses, and no building of any type shall be constructed, erected upon or moved to any land below the elevation 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 as required by the directors of Departments of Environmental Resources Management and Public Works.

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. In all cases and for all uses and whether the property is located in a Special Flood Hazard Area, or outside, the floor elevation obtained as above described, shall be compared against the base flood elevation shown in the Flood Insurance Rate Maps 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 contain neither electrical nor mechanical equipment. 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. A Florida registered engineer or architect shall submit data and a floodproofing certificate to assure that the design complies with all guidelines of [Section 11C-5](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-5DEWISPFLHASFAR)(b).

(n) If in the review of a building application within the unincorporated areas of Miami-Dade County, it is determined that in the application of the provisions of [Section 11C-3](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-3DEEISPFLHASFARCOHIHACHAROUSPFLHAAR)(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](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-3DEEISPFLHASFARCOHIHACHAROUSPFLHAAR)(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](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-12VA)(j) of this Code.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92)

Sec. 11C-4. Development within Coastal High Hazard Areas (CHH).

(a) Existing uses located on land in a CHH Area which is below the elevation of the regulatory flood shall not be expanded and no building permit referred to in [Section 11C-3](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-3DEEISPFLHASFARCOHIHACHAROUSPFLHAAR) of this chapter may be issued therefor unless the provisions of subsection (b) hereof are complied with.

(b) No new construction or substantial improvement shall be undertaken and no building permit referred to in [Section 11C-3](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-3DEEISPFLHASFARCOHIHACHAROUSPFLHAAR) may be issued therefor upon any lands within CHH Areas which are below the level of the 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 lowest portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated at or above the regulatory flood level.

(c) 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) No man-made alteration of sand dunes or mangrove stands which will increase potential flood damage shall be permitted.

(e) Lattice work or decorative screening shall be allowed below the base flood elevation provided it is not part of the structural support of the building and is designed so as to breakaway under abnormally high tides or wave action without damage to the structural integrity of the building on which it is to be used and provided the following design specifications are met:

(1) Material shall consist of lattice, mesh screening or unreinforced concrete block and shall satisfy all provisions in [Section 11C-2](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-2DE)(h).

(f) If aesthetic lattice work screening or unreinforced concrete block (breakaway walls) is utilized, such enclosed 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 enclosed by unreinforced concrete block (breakaway walls) exceeding two hundred ninety-nine (299) square feet in size will be considered the lowest floor for flood insurance purposes and therefore higher insurance premiums will result.

(g) Prior to construction, plans for any structures that will have lattice work or decorative screening or a breakaway wall, shall be submitted to the county official for approval.

(h) 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 for in [Section 11C-4](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-4DEWICOHIHAARCH)(e), or concrete as provided by [Section 11C-2](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-2DE)(h).

(i) A registered professional engineer or architect shall certify that the structure is securely anchored to adequately anchored pilings or columns to withstand velocity waters and hurricane wave wash.

(j) No manufactured homes, except in existing manufactured home parks and manufactured home subdivisions, shall be placed within this zone, provided all of the anchoring and elevation standards of Sections [11C-4](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-4DEWICOHIHAARCH)(i) and [11C-4](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-4DEWICOHIHAARCH)(b)(2) are met.

(k) All recreational vehicles placed within this area shall either:

(1) Be fully licensed and ready for highway use; or

(2) The recreational vehicle shall meet all the requirements for new construction, including anchoring and elevation requirements of Sections [11C-4](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-4DEWICOHIHAARCH)(i) and [11C-4](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-4DEWICOHIHAARCH)(b)(2); or

(3) Be on the site for fewer than 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.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92)

Sec. 11C-5. Development within Special Flood Hazard (SFH) Areas.

(a) No new construction or substantial improvement of any residential structure or manufactured home shall be permitted in SFH Areas, and no building permit referred to in [Section 11C-3](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-3DEEISPFLHASFARCOHIHACHAROUSPFLHAAR) of this chapter shall be issued therefor, unless said new construction or substantial improvement has the lowest floor (including basement) elevated to or above the level of the regulatory flood (100-year flood). Electrical, plumbing and other attendant utilities are prohibited below the base flood elevation.

(b) No new construction or substantial improvement of any nonresidential structure shall be permitted in SFH Areas, and no building permit referred to in [Section 11C-3](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-3DEEISPFLHASFARCOHIHACHAROUSPFLHAAR) of this chapter shall be issued therefor, unless said new construction or substantial improvement has the lowest floor (including basement) elevated to or above the level of the regulatory flood (one-hundred-year flood), or if the lowest permitted floor level of such nonresidential structure (including basement) is below the regulatory flood level then such nonresidential structure together with attendant utility and sanitary facilities shall be floodproofed up to one (1) foot above the level of the regulatory flood; provided that the lowest floor level of such nonresidential structure (including basement) shall be not more than ten (10) feet below the regulatory flood level.

Where floodproofing is utilized for a particular structure, a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depth, pressures, velocities, impact and uplift forces associated with the base flood, and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the designated official.

(c) 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 base 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](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-5DEWISPFLHASFAR)(d)(1) and (3).

(e) All recreational vehicles placed on sites shall meet the requirements of [Section 11C-4](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-4DEWICOHIHAARCH)(k).

(f) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundations and other exterior walls below the base flood elevation shall be designed 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. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(1) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(2) The bottom of all openings shall be no higher than one (1) foot above grade; and

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

(4) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

(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

(6) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms or air conditioned.

(g) Floodways. 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 provisions shall apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a 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](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-5DEWISPFLHASFAR)(f)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of [Section 11C-5](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-5DEWISPFLHASFAR)

(3) Prohibit the placement of manufactured homes (mobile homes), 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](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-5DEWISPFLHASFAR)(c) and (d) and the elevation standards of [Section 11C-5](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-5DEWISPFLHASFAR)(a) are met.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92)

Sec. 11C-6. Accessory buildings.

Nothing herein shall be construed to exclude accessory buildings from the provisions of this chapter.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92)

Sec. 11C-7. Application of chapter.

(a) This chapter shall apply to and be enforced in the unincorporated areas of Miami-Dade County.

(b) 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. Any changes, additions, or deletions to the FIRM or to the FIS for Miami-Dade County shall be approved by the Board of County Commissioners by ordinance. The County shall mail a courtesy notice of any change in the FIRM or to the FIS, as amended from time to time, to all property owners in the unincorporated area of Miami-Dade County affected by such change. Failure to mail or receive said courtesy notice shall not affect the validity of any such change or this chapter.

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

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92; Ord. No. 95-129, § 1, 7-11-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 7, 9-3-98; Ord. No. 09-66, § 1, 7-21-09)

Sec. 11C-8. Enforcement.

The County Manager or his designee shall administer and enforce the provisions of this chapter within the unincorporated areas of Miami-Dade County.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92)

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 shall be subject to review in accordance with [Section 11C-12](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-12VA)(j) of this Code.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92)

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 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.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92)

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.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92)

Sec. 11C-12. Variances.

(a) 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. The Director of the Department of Environmental Resources Management or his designee is hereby advised that in granting any variances hereunder, said Director shall consider the purposes of the National Flood Insurance Program as specified in [Title 24](../level2/PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR.docx#PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR), Code of Federal Regulations, [Chapter 10](../level2/PTIIICOOR_CH10CO.docx#PTIIICOOR_CH10CO), subchapter B, Parts 1909 et seq. Furthermore, the Director of the Department of Environmental Resources Management or his designee shall consider the fact that an annual report on variances granted 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 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. Upon receipt of all necessary information, including a staff report, the Director or his designee shall review the information and render his decision, either approving, modifying or denying the request. A copy of said decision shall be published in a newspaper of general circulation. All approvals or modifications shall not be effective until ten (10) days after the Director's or his designee's decision is published in a newspaper of general circulation. 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. The Director of the Department of Environmental Resources Management or his designee shall notify the Director of the Planning and Zoning Department and the Public Works Department of all decisions made pursuant to this subsection.

(c) 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 without regard to the procedures set forth in the remainder of this section, except for [Section 11C-12](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-12VA)(g)(1) and [Section 11C-12](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-12VA)(g)(2), and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

(d) In passing upon all such applications except those pursuant to [Section 11C-12](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI_S11C-12VA)(c), the 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) Upon consideration of the factors listed above, and the purposes of this chapter, the 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 the Director or his designee deems necessary to further the purposes of this chapter.

(f) 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.

(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 historical building, a determination that the variance is the minimum necessary 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, extraordinary public expense, create a nuisance, cause a fraud upon or victimization of the public, or conflict with existing local laws or ordinances.

(h) 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 cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(i) 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 the Federal Emergency Management Agency upon request.

(j) Review of any decision or action of the Director 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](../level4/PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR.docx#PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR_S24-6DIMIDECODEENREMAFFCRAPTEEXCLSEMESYCOASOPPR) 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.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92; Ord. No. 98-125, § 7, 9-3-98)

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.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92)

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.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92)

Sec. 11C-15. Penalties for violation.

(a) 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) 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 or other appropriate means.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92)

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.

(c) 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](../level4/PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR.docx#PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR_S24-6DIMIDECODEENREMAFFCRAPTEEXCLSEMESYCOASOPPR) of the Code of Metropolitan Miami-Dade County.

(Ord. No. 87-75, § 1, 11-3-87; Ord. No. 92-150, § 1, 12-1-92)

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.

(Ord. No. 93-21, § 1, 3-30-93)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 87-75, § 1, adopted Nov. 3, 1987, amended Ch. 11C, relative to development within coastal flood hazard districts, in its entirety to read as herein set out. Prior to said amendment, Ch. 11C was composed of §§ 11C-1—11C-16 which derived from Ord. No. 74-48, §§ 1—15, 17, adopted June 18, 1974; Ord. No. 74-54, § 2, adopted July 2, 1974; Ord. No. 76-77, § 1, adopted Sept. 7, 1976; Ord. No. 77-32, §§ 1—3, adopted May 17, 1977; and Ord. No. 78-11, § 1, adopted March 21, 1978. [(Back)](#BK_876408FF3AB66D407A6A1DA7B7FF87B3)

**Cross reference—** Boats, docks and waterways, Ch. 7; building code, Ch. 8; environmental protection, Ch. 24; areas of critical environmental concern, Ch. 33B. [(Back)](#BK_876408FF3AB66D407A6A1DA7B7FF87B3)