

ORDINANCE 2024 - _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AMENDING SECTION 265-5, CHAPTER 265, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF SUNNY ISLES BEACH, ENTITLED "DEFINITIONS," TO REVISE THE DEFINITION OF THE TERM "HEIGHT," AND INCORPORATING TERMS CONSISTENT WITH FEMA, NFIP, AND THE FLORIDA BUILDING CODE TO AMEND THE BASIS FOR BUILDING HEIGHT MEASUREMENT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, confers upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of the City of Sunny Isles Beach and such areas may be subjected to periodic inundation, which may result in loss of life and 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; and

WHEREAS, Chapter 553, Florida Statutes, provides a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the Florida Building Code; and

WHEREAS, the City of Sunny Isles Beach was accepted for participation in the National Flood Insurance Program (NFIP) on March 2, 1994; and

WHEREAS, the latest Flood Insurance Rate Maps (FIRM) for the City were effected on September 11, 2009; and

WHEREAS, the Florida Building Code was amended, effective December 31, 2023, requiring residential projects to provide an additional 12 inches above the minimum base flood elevation by the FIRM and NFIP; and

WHEREAS, the City Commission has determined it is in the public interest to adopt the proposed ordinance, which is consistent and comports with the requirements of FEMA, NFIP, and the Florida Building Code; and

WHEREAS, the City Commission has adopted the City's Comprehensive Plan, as well as the City's Land Development Code, which contain regulations for application to the development of land in the City; and

WHEREAS, Objective 9 of the Coastal Management Element of the City's Comprehensive Plan is to "[e]mploy development and redevelopment principles and strategies, site development techniques, engineering solutions, and best practices to reduce flood damage risk,

flood damage claims and losses resulting from high-tide events, storm surge, flash floods and the impacts of sea level rise;" and

WHEREAS, Section 265-5 of the City's Land Development Code currently measures building height from the crown of the adjacent road to the highest point of the structure being measured; and

WHEREAS, the City Commission wishes to amend Section 265-5 of the Land Development Code to measure building height from the Design Flood Elevation to the highest point of the structure being measured, in order to reduce the flood damage risk of new construction by encouraging additional floodproofing without losing building height; and

WHEREAS, the City Commission finds this Ordinance is consistent with the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AS FOLLOWS:¹

Section 1. Incorporation of Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Amendment of Section 265-5. Chapter 265, Article II, Section 265-5, of the Code of Ordinances of the City of Sunny Isles Beach, Florida, entitled "Definitions," is hereby amended as follows:

ARTICLE II. Definitions and Rules of Construction

§ 265-5. Definitions.

~~AREA OF SPECIAL FLOOD HAZARD~~ That area within a community in the one hundred year floodplain.

BASE FLOOD - The flood having a one-percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

BASE FLOOD ELEVATION (BFE) - Elevation of the 100-year flood. The BFE is determined by statistical analysis for each local area and is designated on the FIRMs. This elevation is the basis of the insurance and floodplain management requirements of the NFIP.

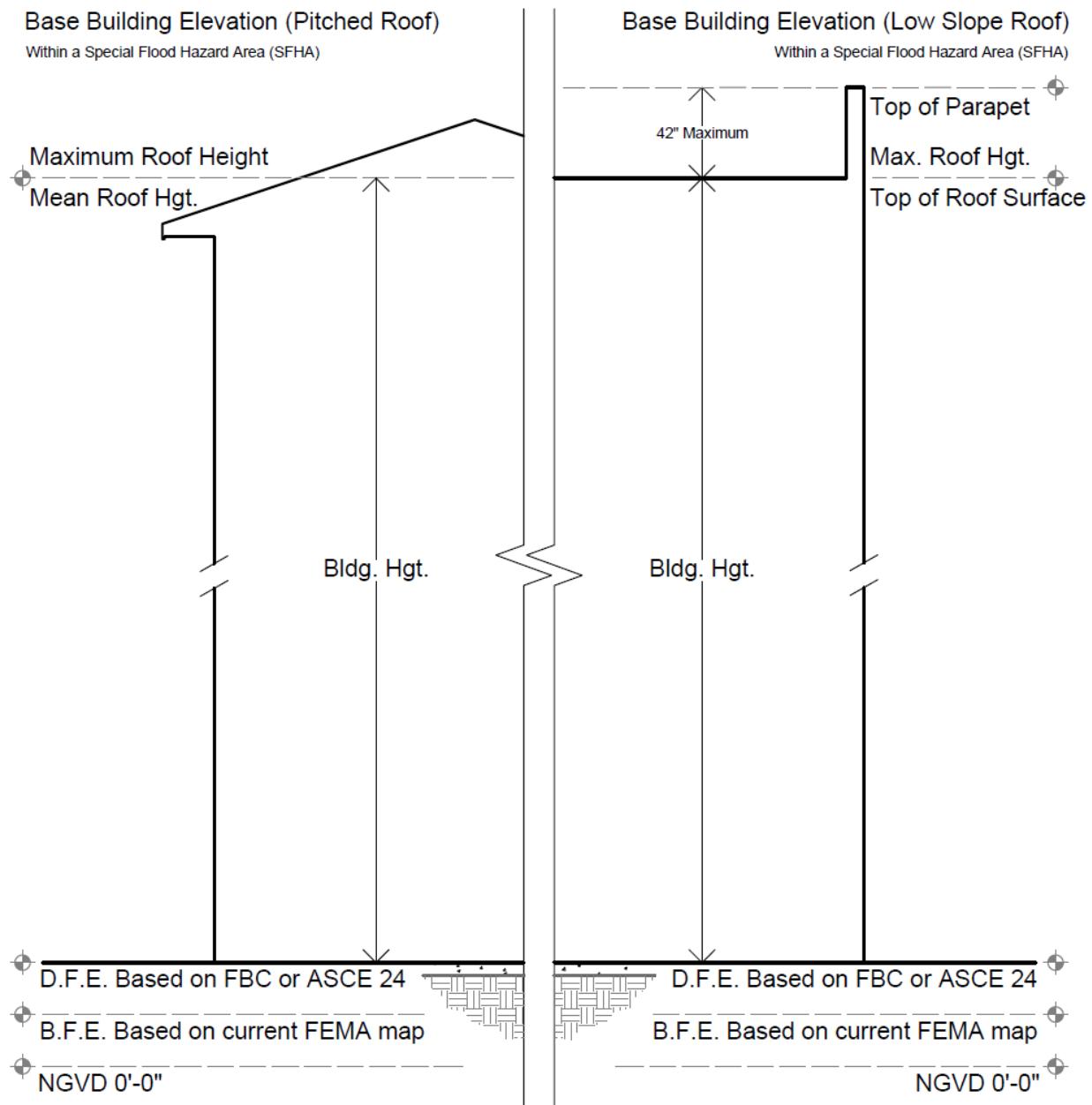
¹ Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, deletions on first reading are shown as ~~strikeout~~ and deletions on second reading are shown as ~~double strikeout~~.

DESIGN FLOOD ELEVATION (DFE) - The elevation of the highest flood (generally the BFE including freeboard) that a retrofitting method is designed to protect against. Also referred to as Flood Protection Elevation.

FLOODPLAIN — Shall have the same meaning as "~~area of special flood hazard~~." "Special Flood Hazard Area (SFHA)."

FREEBOARD - Additional amount of height incorporated into the Design Flood Elevation (DFE) to account for uncertainties in the determination of flood elevations.

~~HEIGHT — The vertical distance from the crown of the adjacent road to the highest point of the structure being measured, inclusive of all structures and equipment, The vertical distance from the minimum Design Flood Elevation (DFE) of the structure, per the Florida Building Code and American Society of Civil Engineers, to the highest point of the roof surface. The height of a structure shall be measured to the mean roof height between eaves and ridge for a gable, hip and gambrel roof and to the highest point, excluding parapet, of a flat low-slope roof and to the deckline of a mansard roof.~~ In addition: chimneys shall be permitted to extend three feet above the highest point of the roof where it passes through the roof or three feet above the roof if the roof is flat; parapet walls and railings constructed on buildings with flat roofs shall be permitted to extend not higher than 42 inches above the roof; steeples shall be permitted to extend above the roof, not higher than 42 inches.



LOW-SLOPE ROOF - is a roof with a slope of less than 2:12 according to the Florida Building Code (FBC).

MEAN ROOF HEIGHT - The average of the roof eave height and the height to the highest point on the roof surface, except that, for roof angles of less than or equal to 10°, the mean roof height is permitted to be taken as the roof eave height.

SPECIAL FLOOD HAZARD AREA (SFHA) - Portion of the floodplain subject to inundation by the base flood, designated Zone A, AE, A1 - A30, AH, AO, AR, V, VE, or V1 - V30 on a FIRM.

Section 3. Repealer. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed to the extent of such conflict.

Section 4. 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, but shall remain in full force and effect.

Section 5. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Sunny Isles Beach; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, as required.

Section 6. Effective Date. This Ordinance will become effective immediately upon adoption at second reading.

PASSED AND ADOPTED on first reading this 17th day of October, 2024.

PASSED AND ADOPTED on second reading this day of November, 2024.

Larisa Svechin, Mayor

ATTEST:

Mauricio Betancur, CMC, City Clerk

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

Alain E. Boileau, for Nabors, Giblin
& Nickerson, P.A., City Attorney

First Reading

Motion: _____

Second: _____

Second Reading

Motion: _____

Second: _____

Vote on First Reading:

Mayor Svechin
Vice Mayor Lama
Commissioner Joseph
Commissioner Stuyvesant
Commissioner Viscarra

____ (Yes) ____ (No)
____ (Yes) ____ (No)
____ (Yes) ____ (No)
____ (Yes) ____ (No)
____ (Yes) ____ (No)

Vote on Second Reading:

Mayor Svechin
Vice Mayor Lama
Commissioner Joseph
Commissioner Stuyvesant
Commissioner Viscarra

____ (Yes) ____ (No)
____ (Yes) ____ (No)
____ (Yes) ____ (No)
____ (Yes) ____ (No)
____ (Yes) ____ (No)