

ORDINANCE No. 10-122

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ORDINANCE 05-67 PERTAINING TO THE TOWN'S FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the National Flood Insurance Program (the "NFIP") offers flood insurance at more affordable rates than are generally available from private insurers; and

WHEREAS, in order for the residents of the Town of Miami Lakes (the "Town") to be eligible for participation in the NFIP, the Town adopted floodplain management regulations on May 13, 2003 and amended those regulations on March 8, 2005; and

WHEREAS, the Town Engineer has been in contact with the Federal Emergency Management Agency ("FEMA") in order to determine how to improve the Town's NFIP rating, in order to provide additional savings to Town residents in their flood insurance; and

WHEREAS, Town staff has determined that certain changes may be implemented by the Town through the adoption of an amendment to the current floodplain management regulations ordinance; and

WHEREAS, the Town Council finds that the adoption of these amendments to the floodplain regulations is in the best interests of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS¹:

¹ PROVISIONS ADDED TO EXISTING TEXT ARE SHOWN BY UNDERLINE; PROVISIONS DELETED FROM EXISTING TEXT ARE SHOWN BY ~~STRIKETHROUGH~~. PROVISIONS ADDED TO EXISTING TEXT PRIOR TO SECOND READING BUT AFTER FIRST READING, ARE SHOWN IN DOUBLE UNDERLINE; PROVISIONS DELETED FROM TEXT PRIOR TO SECOND READING BUT AFTER FIRST READING, ARE SHOWN IN ~~DOUBLE STRIKETHROUGH~~; PROVISIONS SHOWN IN ~~DOUBLE STRIKETHROUGH AND SINGLE UNDERLINE~~ WERE PROPOSED ADDITIONS TO THE TEXT INCLUDED IN FIRST READING WHICH WERE DELETED FOR SECOND READING.

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendments to Code. Chapter 11-C of the Town Code is hereby amended to read as follows:

CHAPTER 11C

DEVELOPMENT WITHIN FLOOD HAZARD DISTRICTS

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Sec. 11C-1. Statutory Authorization.

This Chapter is authorized pursuant to the Town's Home Rule Authority granted in Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes which authorizes the

Town to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

Sec. 11C-2. Findings of Fact.

- (a) Flood hazard areas exist within the Town which are subject to periodic inundation which can 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 of the Town.
- (b) Flood losses may be caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Sec. 11C-3 Purpose.

The purpose of this Chapter is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights and velocities;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural flood plains, stream channels and natural protective barriers, which are involved in the accommodation of flood waters;
- (d) Control filling, grading, dredging, and other development which may increase erosion or flood damage; and
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Sec. 11C-4 Objectives.

The objectives of this Chapter are:

- (a) To protect human life and health and to eliminate or minimize property flood damage;

- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in floodplains;
- (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (g) To ensure that potential home buyers are notified that property is in a flood hazard area.

Sec. 11C-5 Definitions.

The following definitions shall apply solely for use in Chapter 11C of the Town Code. Unless specifically defined below, words or phrases used in this Code shall be interpreted so as to give them meaning they have in common usage and to give this Chapter it's most reasonable application.

- (a) *Accessory Structure (Appurtenant Structure)* shall mean a structure, which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure, constituting a minimal ~~initial~~ investment, and not to be used for human habitation and be designed to have minimal flood damage potential.
- (b) *Addition (~~To an Existing Building~~)* shall mean any walled and roofed expansion to the perimeter or height of a building, ~~in which the addition is connected by a common load bearing wall other than a firewall, including any walled and roofed addition, which is connected by a fire wall or is separated by independent perimeter load bearing.~~
- (c) *Appeal* shall mean a request for a review of the ~~Floodplain Management~~ Administrator's interpretation of any provision of this Chapter.
- (d) *Area of shallow flooding* means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

- (ed) *Area of Special Flood Hazard or Special Flood Hazard Area (SFHA)* shall mean the land in the floodplain within the Town subject to a one percent (1%) or greater chance of flooding in any given year.
- (fe) *Base Flood or 100 Year Flood* shall mean a flood having a one percent (1%) chance of being equaled or exceeded in any given year.
- (gf) *Base Flood Elevation* means the highest water surface elevation associated with the base flood.
- (hg) *Basement* shall mean that portion of a building having its floor sub-grade (below ground level) on all sides.
- (ih) *Breakaway Wall* shall mean a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
- (ji) *Building* shall mean the same as the word "Structure" defined herein.
- (kj) *Critical facility* means a facility for which the impact of even a slight chance of flooding might be too great, including, but not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.
- (lk) *Crown of Road (COR)* shall mean a line running parallel with the street right-of-way (ROW) which is half the distance between the extreme edges of the official ROW width as shown on a map approved by the Town of Miami Lakes Public Works Department or appropriate jurisdiction.
- (ml) *Development* shall mean any man-made 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.
- (nm) *Elevated Building* shall mean a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns (posts and piers), or shear walls ~~or breakaway walls~~.
- (on) *Encroachment* shall mean the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain
- (po) *Existing Construction* shall mean any structure for which the start of construction commenced before ~~September 29, 1972~~ January 1, 1975 the date of the initial Miami-Dade County Flood Insurance Study.

- (qp) *Existing Subdivision* shall mean a subdivision for which the construction of facilities for servicing the lots on which the subdivisions 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 January 1, 1975 ~~September 29, 1972~~, the date of the initial Miami-Dade County Flood Insurance Study.
- ~~(k) *Expansion to a Subdivision* shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the subdivisions are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~
- (rq) *Flood or Flooding* shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.
- (sr) *Flood Boundary and Floodway Map (FBFM)* shall mean the official map on which the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration (FIA) has delineated the areas of special flood hazards and regulatory floodway.
- (ts) *Flood Hazard Boundary Map (FHBM)* shall mean an official map of the Town issued by ~~the Federal Emergency Management Agency (FEMA)~~, where the boundaries of the areas of special flood hazard have been defined as Zone A.
- (ut) *Flood Insurance Rate Map (FIRM)* shall mean an official map of the Town on which FEMA has delineated the areas of special flood hazard and/or risk premium zones.
- (vw) *Flood Insurance Study (FIS)* shall mean the official hydraulic and hydrologic report provided by FEMA, containing an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, the FIRM, FHBM and the water surface elevation of the base flood.
- (vx) *Floodplain* shall mean any land area susceptible to flooding.
- (xw) *Floodplain Management Administrator or Administrator* shall mean the individual designated by the Town Manager to administer and enforce this Chapter.
- (y) *Floodplain management regulations* means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion

control ordinance), and other applications of police power which control development in flood-prone areas. This term describes Federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

(z*) *Floodproofing* shall mean any combination of structural and non-structural additions, changes, or adjustments to a structure(s) which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(aay) *Flood Way* 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.

(bbz) *Floodway Fringe* means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

~~(ccaa)~~ *Freeboard* shall mean the additional height of 1 foot above the base flood elevation, for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions.

(bbdd) *Functionally Dependent Facility or Functionally Dependent Use* shall mean a facility or use 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, or ship repair; and not including long-term storage, manufacturing, sales, or service facilities.

~~(eeee)~~ *Hardship* as related to variances from this ordinance, shall mean the exceptional difficulty associated with the land that would result from a failure to grant the requested variance. The requested 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.

~~(ffdd)~~ *Highest Adjacent Grade* shall mean the highest natural elevation of the ground surface, next to the proposed walls of a building.

(ggee) *Historic Structure* shall mean any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (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:
 - (i) By an approved state program as determined by the Secretary of the Interior; or
 - (ii) Directly by the Secretary of the Interior in states without approved programs.

(hhff) Lowest adjacent grade shall mean the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

~~(iigg) Lowest Floor shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation design requirements of this Chapter.~~

~~(q) Mangrove Stand shall mean an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Longunculariaracemosa*); and buttonwood (*Conocarpus erecta*).~~

(j) Manufactured home means a building, 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 also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

- ~~(kkk)~~ *Mean Sea Level* shall mean the average height of the sea for all stages of the tide used as a reference for establishing various elevations within the floodplain or the National Geodetic Vertical Datum (NGVD).
- ~~(lll)~~ *National Geodetic Vertical Datum (NGVD)* shall mean a vertical control used as a reference for establishing varying elevations within the floodplain as corrected in 1929.
- ~~(mmm)~~ *New Construction* shall mean any structure for which the “start of construction” commenced after December 31, 1974~~June 18, 1974~~, including any subsequent improvements to such structure.
- ~~(nnn)~~ *New manufactured home park or subdivision* means 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 on or after the effective date of the first floodplain management code, ordinance or standard.
- ~~(ooo)~~ *North American Vertical Datum (NAVD) of 1988* means a vertical control used as a reference for establishing varying elevations within the floodplain.
- ~~(ppp)~~ *New Subdivision* shall mean a subdivision for which the construction of facilities for servicing the lots on which the subdivisions 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 on or after December 31, 1974~~June 18, 1974~~.
- ~~(qqq)~~ *On-Site Retention* shall mean the containment and disposal of stormwater runoff by means other than positive drainage within the limit of the project site.
- ~~(rrr)~~ *Public safety and nuisance* means anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
- ~~(sssss)~~ *Regulatory 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~~designated height.~~
- ~~(ttt)~~ *Remedy a deficiency or violation* means to bring the regulation, procedure, structure or other development into compliance with State of Florida, Federal, or local floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the

structure or other affected development from flood damages, implementing the enforcement provisions of this ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

(uu) Repetitive loss means flood related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

(v~~viii~~) Start of Construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act), includes substantial improvement, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building 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. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/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 building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(w~~w~~) Structure shall mean for floodplain management purposes, a walled and roofed building that is principally above ground, including a gas or liquid storage tank (whether above or below grade), as well as a manufactured home.

(x~~x~~) Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed ~~forty-four~~ thirty-nine percent (44~~44~~39%) of the market value of the structure before the damage occurred.

(y~~y~~) Substantial Improvement shall mean any combination of repairs, reconstruction, rehabilitation, alteration, additions or improvements to a structure, taking place during a ~~twelve month~~ 10-year period, in which the cumulative cost equals or exceeds ~~forty-four~~ thirty-nine (44~~44~~39%) percent of the fair market value of the structure. The fair 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. This definition also includes structures that have incurred substantial damage regardless of the actual repair work performed. For the purposes of this definition, "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 building.

~~(zzzz)~~ *Substantially Improved Existing Subdivisions* shall mean a repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads which equals or exceeds ~~forty-four~~ thirty-nine (44 ~~39~~%) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

~~(aaass)~~ *Variance* is a grant of relief from this Chapter that permits construction in a manner otherwise prohibited by this Chapter.

~~(bbb#)~~ *Violation* shall mean the failure of a structure or other development to be fully compliant with the requirements of this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

~~(cccvv)~~ *Watercourse* shall mean a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

~~(dddvv)~~ *Water surface elevation* shall mean the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 11C-6. Applicability; Basis for Establishing Area of Special Flood Hazard; Development Permit; Violations; Enforcement.

- (a) Applicability. This Chapter shall apply to all areas ~~of flood hazard~~ within the jurisdiction of the Town of Miami Lakes.
- (b) Basis For Establishing Area of Special Flood Hazard. The areas of special flood hazard identified by the FEMA in its Flood Insurance Study dated March 2, 1994 and Flood Insurance Rate Map for Miami-Dade County, Florida dated September 11, 2009 ~~March 2, 1994~~ with accompanying maps and other supporting data, and any revisions or updates thereto, are adopted by reference.
- (c) Development Permit. A Development Permit shall be required in conformance with the provisions of this Chapter prior to the commencement of any development activities.
- (d) Violations. Commencement of any development activities regulated under this Chapter, including but not limited to, locating, extending, converting or structurally altering any structure or land, without first obtaining a Development Permit shall be considered a violation of the Town Code.

- (e) Enforcement. A violation of this Chapter shall be enforced in accordance with Chapter 8CC of the Town Code. A violation of any variance granted under this Chapter shall also be considered for enforcement purposes a Town Code violation enforceable through Chapter 8CC of the Town Code. Each day that a violation continues shall be deemed a separate violation. This chapter shall also be subject to enforcement under Chapter 162, Florida Statutes. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction.
- (f) Disclaimer of Liability Floods can and will occur above minimum flood elevation levels required in this ordinance. Floods can occur in areas outside the special flood hazard areas. Flooding may result from man-made or natural causes including hurricanes, high tidal events, tsunamis or other acts of God. Flood heights may be increased by man-made or natural causes. The Town of Miami Lakes Council or any officer or employee of the Town shall not be liable for any flood damages on public or private property. Property owners are hereby warned of the potential of flooding and encouraged to obtain NFIP flood insurance for their protection.
- (g) Prohibitions.
- (1) It shall be unlawful and a violation of this ordinance to encroach on or into the floodway including secondary and private canals without the review and approval of the Town's Building Department. Submittal must provide proof that there will be no change in flood elevations and flow through the canal as result of the encroachment.
- (2) It shall be unlawful and a violation of this ordinance to dispose of any rainwater, stormwater runoff or other liquids by allowing or causing the same to flow on, over or across any adjoining property, ROW, easement, drainage canal either private or public. Exceptions to this condition may be allowed on a limited basis for necessary repairs to swimming pools, based on a case by case review and approval by the Town's Public Works Department as long as necessary treatment of the water meets the minimum standards as established by Miami-Dade County DERM, SFWMD or the governing agency.
- (h) Designation of Floodplain Management Administrator.
- The Town of Miami Lakes Building Official shall be designated as the Administer charged to administer and implement the provisions of this Ordinance and is herein referred to as the Floodplain Management Administrator or Administrator.
- (i) Interpretation.

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the Town; and
- (3) Deemed neither to limit nor repeal any other powers granted under State of Florida Statutes.

Sec. 11C-7. Permit Procedures.

- (a) Application. Application for a Development Permit shall be made to the Administrator on forms furnished by Town prior to the start of any development activities. The application shall include:
 - (1) Plans drawn to scale showing the nature, location, dimensions, and elevations of the area, existing or proposed structures, earthen fill, storage or materials or equipment; drainage facilities, and the location of the same;
 - (2) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 - (3) Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
 - (4) A certificate from a registered professional ~~land surveyor, engineer, or architect~~ that any ~~non-residential floodproofed~~ structure will meet the highest of the flood-proofing following criteria in the Code; and:
 - a. Base Flood Elevation as depicted on the current FIRM plus 12" (1' of freeboard)
 - b. Highest Adjacent Crown of Road plus 12"
 - (5) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.
 - (6) A Stormwater Management Plan that demonstrates on-site retention of stormwater runoff for the design storm as established by the applicable governing agency. The site shall be graded in a manner to prevent flooding of adjacent properties. Where necessary, interceptor swales will be constructed on-site with no encroachment over adjacent properties.
 - (7) A \$40 fee shall be charged by the Town's Building Department for completion of a Floodplain Plan Review. A \$25 fee shall be charged by the Town's Building Department for a Letter of Determination.

(8) A Finished Construction Elevation Certificate shall be submitted to the Town's Building Department at the completion of a project that requires Floodplain Plan Review.

(b) Construction Stage.

After issuance of a Development Permit and during the construction of the structure or building, the permittee shall:

- (1) Provide a regulatory floor elevation or flood-proofing certification after the lowest floor is completed. Upon placement of the lowest floor, or for non-residential structures, flood-proofing, whichever is applicable, it shall be the duty of the permit holder to submit to the Administrator certification of the elevation of the lowest floor, or flood-proofed elevation, 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 flood-proofing is utilized for a particular building, said certification shall be prepared by ~~or under the direct supervision of a professional land surveyor, engineer or architect~~ and certified by same. Any work undertaken prior to and without submission of the certification shall be at the permit holder's risk.
- (2) The Administrator shall review the referenced floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder 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.

Sec. 11C-8. Duties and Responsibilities of Administrator.

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

- (a) Review all development permit applications to assure that the permit requirements of this Chapter have been satisfied.
- (b) ~~Advise~~ Require permittee ~~that to provide copies of all additional federal or state, South Florida Water Management District, and Town permits and may be required. If specific federal or state permit are required,~~ require that copies of such permits be ~~provided and~~ maintained on file with the development permit.
- (c) Notify adjacent communities and the appropriate state agencies prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

- (d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is maintained~~not diminished~~.
- (e) Verify and record the actual elevation, in relation to mean sea level, of the lowest floor (including basement) of all new or substantially improved structures, in accordance with this Chapter.
- (f) Verify and record the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed, in accordance with this Chapter.
- (g) When flood-proofing is utilized for a non-residential structure, the Administrator shall obtain certification that all areas of the building, together with attendant utilities and sanitary facilities, below the required elevation are water tight 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 in compliance with this Chapter, as well as the operational and maintenance plan, from a registered professional engineer or architect.
- (h) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard the Administrator shall make the necessary interpretation. The applicant contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter.
- (i) When base flood elevation data or floodway data have not been provided in accordance with this Chapter, the Administrator shall obtain, review and reasonably 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.
- (j) All records pertaining to the provisions of this Chapter shall be maintained by the designated Administrator and shall be open for public inspection.
- (k) Review permits to assure sites are reasonably safe from flooding.
- (l) Review certified plans and specifications for compliance.
- (m) Coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA.
- (n) Where Base Flood Elevation is utilized, obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements or damage in accordance with this Chapter.

Sec. 11C-9 Provisions for Flood Hazard Reduction.

(a) General Standards. In all areas of special flood hazard, in addition to compliance with all applicable federal, state and local regulations, development and permitting requirements in effect at the date of application, the following provisions are required:

1. New construction and substantial improvements of existing structures shall be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. New construction and substantial improvements of existing structures shall be constructed with materials and utility components resistant to flood damage.
3. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
4. All electrical, heating, and air conditioning equipment, ventilation, plumbing, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Any alteration, repair, reconstruction, additions or improvements to a structure that is in compliance with the provisions of this Code shall meet the requirements of "new construction" as contained herein.
9. Any alteration, repair, reconstruction, or improvement to a structure that is not in compliance ~~compliant~~ with the provisions of this Chapter, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
10. All applicable additional Federal, State of Florida, and local permits shall be obtained and submitted to the Administrator along with the application for development permit. Copies of such permits shall be maintained on file with the development permit.

11. Standards for Subdivision Proposals and other new Proposed Development:

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

12. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.

13. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

14. The following disclosure shall be required to be included in contracts for sale of real estate or improved real estate within the Town of Miami Lakes Special Flood Hazard Area. The seller shall disclose, and buyer shall acknowledge, prior to the exchange of any non-refundable fees, monies, or deposits, the location of the property within the Special Flood Hazard Area and seller shall include in the contract or rider to the contract the following disclosure:

THIS HOME OR STRUCTURE IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AND MAY BE PRONE TO FLOODING. FLOOD INSURANCE IS STRONGLY RECOMMENDED. FLOODING MAY RESULT FROM MAN-MADE OR NATURAL CAUSES INCLUDING HURRICANES, HIGH TIDAL EVENTS, TSUNAMIS OR OTHER ACTS OF GOD. FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. IF THIS HOME OR STRUCTURE IS BELOW THE APPLICABLE BASE FLOOD ELEVATION ~~LEVEL~~ AND IS SUBSTANTIALLY IMPROVED, AS DEFINED IN THE TOWN OF MIAMI LAKES FLOODPLAIN MANAGEMENT ORDINANCE, IT MAY BE REQUIRED TO BE RAISED TO THE

CURRENT BASE FLOOD ELEVATION ~~LEVEL~~ AS DEFINED IN SAID ORDINANCE.

15. The following disclosure shall be required to be included in contracts for sale of real estate or improved real estate within the Town of Miami Lakes but outside the Special Flood Hazard Area. The seller shall include in the contract or rider to the contract the following disclosure which seller shall disclose, and buyer shall acknowledge, prior to the exchange of any non-refundable fees, monies, or deposits:

FLOODS CAN AND WILL OCCUR ABOVE MINIMUM FLOOD ELEVATION LEVELS REQUIRED FOR DEVELOPMENT. FLOODS CAN OCCUR IN AREAS OUTSIDE THE SPECIAL FLOOD HAZARD AREAS. FLOODING MAY RESULT FROM MAN-MADE OR NATURAL CAUSES INCLUDING HURRICANES, HIGH TIDAL EVENTS, TSUNAMIS OR OTHER ACTS OF GOD. FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. FLOOD INSURANCE IS STRONGLY RECOMMENDED. IF THIS HOME OR STRUCTURE IS BELOW THE APPLICABLE BASE FLOOD ELEVATION ~~LEVEL~~ AND IS SUBSTANTIALLY IMPROVED, AS DEFINED IN THE TOWN OF MIAMI LAKES FLOODPLAIN MANAGEMENT ORDINANCE, IT MAY BE REQUIRED TO BE RAISED TO THE CURRENT BASE FLOOD ELEVATION ~~LEVEL~~ AS DEFINED IN SAID ORDINANCE.

16. Manufactured homes shall be anchored to prevent flotation, collapse, 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;

17. New Floodplain development shall avoid or minimize disruption to stream channels, canals and their banks.

18. No new subdivisions shall be permitted septic systems, nor shall sanitary land fills or other activities which could be hazardous to the public health or water quality be permitted in the SFHA.

- (b) Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided as set forth in this Chapter, the following provisions are required:

1. Residential Structures Construction. New construction ~~and~~ substantial improvement of any residential structure shall have the lowest floor, including basement, mechanical and utility equipment, and ductwork, elevated no lower than one (1) 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 exterior walls shall be provided in accordance with standards of this Chapter and any applicable provisions of the Town Code and the Florida Building Code.

2. Non-Residential Structures Construction. New construction ~~and~~ substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, mechanical and utility equipment, and ductwork, elevated no lower than one (1) foot above the base flood elevation. The structure may also be floodproofed to a level no lower than one (1) foot above the base flood elevation, provided that all areas of the building (including mechanical and utility equipment) below the required elevation are water tight with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer ~~or architect~~ shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification as well as the operational and maintenance plan to the Administrator as set forth in the Chapter.
3. ~~Elevated Buildings Enclosures.~~ New construction ~~and~~ substantial improvements of elevated buildings shall not that include enclosed areas formed by foundation and other exterior walls, ~~shall be designed to preclude finished living space below the base flood elevation by providing openings in each wall having a total net area of not less than 50 percent of the total wall area subject to flooding. At least one opening per wall shall be no higher than one (1) foot above grade to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.~~
4. Floodways. Properties located within areas of special flood hazard established in the Basis For Area of Special Flood Hazard as established in Chapter Section 11C-6(b), are areas designated as floodways. A floodway may be an extremely hazardous area due to velocity flood waters, debris and erosion potential. In addition, the area must remain free of encroachment in order to discharge the base flood without increased flood heights. Therefore, the following provision shall apply:
 - a. Prohibit encroachments, including earthen fill, new construction, substantial improvements and other development within the regulatory floodway unless certification with supporting technical data is provided by a registered professional engineer demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. Only

if this condition is satisfied, then all new construction and substantial improvements shall comply with all other applicable Provisions of this ~~Chapter e Flood Hazard Reduction~~.

- b. Notwithstanding any other provisions of this Section, the Town may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations provided the Town first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions and receives the approval of ~~FEMA the Floodplain Administrator~~.

5. Buildings on Fill. A ~~residential or non-residential~~ building may be constructed on permanent fill in accordance with the following:

- a. The fill shall be placed in layers no greater than one (1) foot deep before compacting and shall extend at least ten (10) feet beyond the foundation of the building before sloping below the base flood elevation; and
- b. The top of the fill shall be above the base flood elevation. However, the ten (10) foot minimum required in Section 11C-9(b)(5)(a) may be waived by the ~~Floodplain Management~~ Administrator if a structural engineer certifies an alternative method to protect the building from damage due to erosion, scour, and other hydrodynamic forces; and
- c. The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.

6. Critical Facilities. New and substantially improved critical facilities shall be constructed on properly compacted fill and have the lowest floor (including basement) elevated at least two (2) feet above the SFHA, ~~one (1) foot above the elevation of the 500-year flood~~.

7. Standards for Manufactured Homes and Recreational Vehicles.

- a. All manufactured homes that are placed, or substantially improved within Zones A1-30, AH, and AE, on sites (i) outside of an existing manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, the lowest floor be elevated on a permanent foundation to no lower than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. Placement of manufactured homes is prohibited within the regulatory floodway, except in an existing manufactured 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-9(a)16, the elevation standards of 11C-9(b)1 and 2, are met.

c. Placement of manufactured homes is prohibited within the regulatory floodway.

d. All recreational vehicles must either:

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use (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 additions), or

(iii) Meet all the requirements for new construction, including anchoring and elevation standards in accordance with this Ordinance.

8. Adequate drainage paths around structures shall be provided on slopes to guide water away from structures within Zone AH.

(c) Standards For Streams Without Established Base Flood Elevation and/or Floodways. Located within the areas of special flood hazard as established in Section 11C-6(b) where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

1. When base flood elevation data and floodway data have not been provided in accordance with this Chapter ~~the Code~~, the ~~Floodplain Management~~ Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of the Code. If data are not available from outside sources, then the following provisions shall apply:

a. No encroachments, including fill material or structures, shall be located within a distance of twenty (20) feet each side from the top of the bank unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- b. New construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site.
2. When base flood elevation data without regulatory floodway has been provided, the following provisions shall apply:
 - a. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the Town's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(d) Standards For Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for all ~~subdivision proposals and other~~ proposed development, including subdivisions, ~~greater than fifty (50) lots or five (5) acres, whichever is less.~~

(e) Standards for AO-Zones. Located within the areas of special flood hazard are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to Section 11C-9(a), apply:

1. All new construction and substantial improvements of residential structures in all AO Zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map plus one foot. If no flood depth number is specified, the lowest floor, including

basement, shall be elevated to no less than three feet above the highest adjacent grade.

2. All new construction and substantial improvements of non-residential structures shall:
 - a. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to at least three feet above the highest adjacent grade, or
 - b. Together with attendant utility and sanitary facilities be completely floodproofed to no less than one foot above that level to meet the floodproofing standard specified in Section 11C-9(e).
3. Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.
4. Fully enclosed areas below the lowest floor that are subject to flooding shall meet the non-elevation design requirements of Article 5, Section B.

Sec. 11C-10. Variances.

- (a) The Town Council shall hear and decide appeals of decisions of the Administrator and requests for variances from the requirements of this Chapter.
- (b) The Town Council shall hear and decide appeals when it is alleged an error in any requirement, decision or determination is made by the ~~Floodplain Management~~ Administrator in enforcement or administration of this Chapter.
- (c) Variances from this Chapter may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (d) In reviewing such applications, the Town Council shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Chapter, and the following:
 1. The danger that materials 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 a facility or use to a waterfront location, in the case of a functionally dependent use;
 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 a 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 flood waters and the effects of wave action, if applicable, expected at the site; and
 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 Town Council may attach such conditions to the granting of a variance as it deems necessary to further the purposes of this Chapter.
- (f) Variances from this Chapter shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (g) Conditions for Variances from this Chapter:
1. Variances shall only be issued when the following applies:
 - a. A showing of good and sufficient cause;

- b. A determination that failure to grant the variance would result in exceptional hardship; and
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

2. Variances shall only be issued upon a determination that the variance is the minimum necessary to afford relief.

23. 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 building 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.

34. The Town shall notify the applicant in writing over the signature of the Building Official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

45. The Town shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the ~~Floodplain~~ Administrator.

56. The Town Clerk shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(h) Applications for variances of this Chapter shall be processed in accordance with ~~Ordinance 04-52~~, Article 3, Division 3.5 of the Town Land Development Code except that Section 3.5(f)2. Practical Difficulty, shall not apply.

(i) Variance applications are subject to Article 12, Division 12.1 of the Town Land Development Code, Cost Recovery System to cover required notification costs and costs incurred by Town staff and outside technical and legal consultant review as necessary to evaluate an application.

(j) A variance application shall not be accepted until receipt of payment of all fees and cost recovery deposits as follows:

One Single Family, Two Family, individual units.....\$ 750

All Others.....	\$ 1,700
<u>Cost Recovery Deposit – All Applications.....</u>	<u>\$ 750</u>

- (k) A variance application shall be not be heard at public hearing until all cost recovery balances have been paid in full. Any additional advertising costs incurred resulting from the cancellation and rescheduling of a public hearing due the applicant’s failure to timely pay the cost recovery balance, shall be borne by the applicant and must be paid prior to the rescheduled hearing.

Sec. 11C-11. Calculating Substantial Improvement and Damage.

For the purpose of calculating substantial improvements and/or substantial damage, the following procedure shall be utilized:

- (a) The costs of improvements or repairs for a project shall be obtained from one of the following sources:
1. Detailed cost estimate of the improvements or repairs from the licensed general contractor of record; or
 2. A cost estimate prepared using professional construction estimation software, such as R.S. Means or the Federal Emergency Management Agency’s residential substantial damage estimation program, as prepared by a licensed architect or engineer.
- (b) The following sources will be considered acceptable estimates of market value:
1. An independent appraisal by a professional appraiser licensed by the State of Florida. The appraisal must exclude the value of the land and not use the “income capitalization approach” which bases value on the use of the property, not the structure; or
 2. Detailed estimates of the structure’s actual cash value, which shall equal the replacement cost for a building, minus depreciation percentage based on the age and condition; or
 3. Property appraisals used for tax assessment purposes with an adjustment recommended by the Miami-Dade County Property Appraiser to reflect market conditions (adjusted assessed value.)
- (c) For structures in which the substantial improvement or substantial damage percentage is greater than or equal to 30 percent, a more ~~accurate~~ precise market value may be required by the ~~Floodplain Management~~ Administrator.

(d) Substantial improvements shall be documented over 10 year periods and improvements shall be calculated on a cumulative basis in the building department permitting process.

Section 3. Repeal of conflicting provisions. All provisions of the Code the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion In The Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and made a part of the Town of Miami Lakes Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on first reading. The motion was seconded by Simon and upon being put to a vote, the vote was as follows:

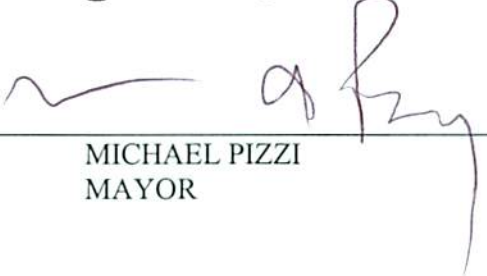
Mayor Michael Pizzi	<u>Yes</u>
Vice Mayor Nick Perdomo	<u>Yes</u>
Councilmember Mary Collins	<u>Yes</u>
Councilmember George Lopez	<u>Yes</u>
Councilmember Robert Meador, II	<u>Yes</u>
Councilmember Richard Pulido	<u>Yes</u>
Councilmember Nancy Simon	<u>Yes</u>

PASSED on first reading this 11th day of May, 2010.

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on second reading. The motion was seconded by Councilmember Simon, and upon being put to a vote, the vote was as follows:

Mayor Michael Pizzi	<u>yes</u>
Vice Mayor Nick Perdomo	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember George Lopez	<u>yes</u>
Councilmember Robert Meador, II	<u>yes</u>
Councilmember Richard Pulido	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>

PASSED AND ADOPTED on second reading this 8th day of June, 2010.


MICHAEL PIZZI
MAYOR

ATTEST:


TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE SOLE USE OF THE TOWN OF MIAMI LAKES:


WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE, P.L.
TOWN ATTORNEY