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COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, March 27, 2018
6:00 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

REGULAR MEETING

1. Installation and Oath of Office

- a. Terri Finnerty/Commissioner, District 1**
- b. Ward Friszolowski/Commissioner, District 3**

2. Election of Vice Mayor

3. Presentations - Presentations shall be limited to 5 minutes for non-city government related items.

4. Changes to the Agenda - Any agenda items to be added, moved, or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order. Consent items may be removed for discussion, changes, and/or anticipation of a non-unanimous vote and considered separately on the request of anyone on the Commission or by a majority vote of the City Commission upon request of an audience member.

5. Audience Comments - Comments shall be limited to 3 minutes per person to issues not on the agenda, 21 minutes in total.

6. Consent

- a. Approval of City Commission minutes from the following meetings: 02/13/2018 and 02/27/2018.**
- b. Request approval of Amendment #1 to Task Order #1 from Cardno in the amount of \$23,045.00 for design**

and construction documents for Library Improvements.

7. Action Items

- a. Request approval to execute a purchase agreement with Municipal Emergency Services (MES) in the amount of \$143,762.42 for Fire Department SCBA equipment, utilizing Lake County Contract # 17-0606 and funding provided by FEMA's Assistance to Firefighters Grant Program.**
- b. Evaluation process for selection of Concession facilities operator.**
- c. Appointments to Advisory Boards and Committees**
- d. Appointments to Outside Agencies and Organizations.**

8. Ordinances

- a. Ordinance 2018-01. Final Reading and Public Hearing of an ordinance regarding amendments to the City of St. Pete Beach Flood Ordinance in an attempt to achieve a Class "5" Community Rating System (CRS).**
- b. Ordinance 2018-04: First Reading and Public Hearing. An Ordinance of the City of St. Pete Beach, Florida providing for supplemental appropriations to the General Fund and Capital Improvement Fund.**

9. Resolutions – No items submitted at this time.

10. Items for Discussion – No items submitted at this time.

11. Audience Comments 2 - Comments shall be limited to 3 minutes per person to issues not on the agenda, 21 minutes in total.

12. City Clerk, City Manager, City Attorney and City Commission Reports

13. Adjournment

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall.**

OATH OF OFFICE

I, Terri Finnerty, a citizen of the State of Florida, and of the United States of America, and a full-time resident of the district from which I was elected, and being an officer of the City of St. Pete Beach, Florida, and a recipient of public funds as such officer, do hereby solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Florida.

I further swear (or affirm) that I will, in all respects, observe the provisions of the Charter and Ordinances of the City of St. Pete Beach, Florida, and will faithfully discharge the duties of the Office of City Commissioner to the best of my ability.

SEAL:

Terri Finnerty
Commissioner, District 1

STATE OF FLORIDA)
) ss.
COUNTY OF PINELLAS)

Sworn to and subscribed before me this 27th day of March, 2018, by Terri Finnerty, who (X) is personally known to me or (____) produced _____ as identification.

Rebecca C. Haynes, Notary Public
My commission expires: November 22, 2019

OATH OF OFFICE

I, Ward Friszolowski, a citizen of the State of Florida, and of the United States of America, and a full-time resident of the district from which I was elected, and being an officer of the City of St. Pete Beach, Florida, and a recipient of public funds as such officer, do hereby solemnly swear that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Florida.

I further swear that I will, in all respects, observe the provisions of the Charter and Ordinances of the City of St. Pete Beach, Florida, and will faithfully discharge the duties of the office of City Commissioner District #3 to the best of my ability.

SEAL:

Ward Friszolowski
Commissioner, District #3

STATE OF FLORIDA)
) ss.
COUNTY OF PINELLAS)

Sworn to and subscribed before me this 27th day of March, 2018, by Ward Friszolowski, who (X) is personally known to me or (___) produced _____ as identification.

Rebecca C. Haynes, Notary Public
My commission expires: November 22, 2019

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Election of Vice Mayor

Date: March 27, 2018

Prepared By: Rebecca C. Haynes, City Clerk

Prepared Through: Wayne Saunders, City Manager

Summary of Issue: In accordance with the City's Charter, Section 3.05, the commission is required to elect a vice-mayor on an annual basis by an affirmative vote of three or more members. The vice-mayor shall act as mayor during the absence or disability of the mayor-commissioner.

Funding: N/A

Requested Motion: "I move to elect Commissioner ____ to serve as Vice Mayor."

Attachments: None

**Reviewed by
City Manager:** WS----

CITY COMMISSION MEETING

MINUTES

FEBRUARY 13, 2018

6:00 P.M.

CALL TO ORDER

Mayor Johnson called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Al Johnson, Mayor
Ward Friszolowski, Vice Mayor
Terri Finnerty, Commissioner
Rick Falkenstein, Commissioner
Melinda Pletcher, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Vince Tenaglia, Administrative Services Director
Jennifer McMahon, Recreation Director

1. Presentations

There were no presentations submitted.

2. Changes to the Agenda

Commissioner Finnerty requested to remove Item 4(b) for discussion.

3. Audience Comments

Harry Metz, Belle Point Drive, discussed the Medal of Honor Memorial to be located in Horan Park.

4. Consent

- a. Approval of City Commission minutes from the following meetings: 01/09/2018 and 01/23/2018.

Hearing no Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Vice Mayor Friszolowski moved to approve Consent Item 4(a) as submitted. The motion was seconded by Commissioner Pletcher and unanimously approved by an individual roll call vote.

Item 4(b) was previously pulled and moved to action items for discussion.

~~b. Authorization to approve a special event application request for a beach fire on Upham Beach on Saturday, March 10, 2018~~

5. Action Items

- a. Request to waive the annual increase in lease amount for Merry Pier for 2018.

The leasee is requesting that the City waive the 2018 increase of 2.5% due to the negative impact the road construction has had on the business.

Mayor Johnson called for audience comments.

Megan Donahue, St. Pete Beach, commented on parking restrictions.

Nancy Castellano, Vina del Mar, commented in support of waiving the increase.

Hearing no additional comments, Mayor Johnson called for a motion and the vote.

Commissioner Pletcher moved to approve Item 5(a), to waive the annual increase for the Merry Pier lease for 2018. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

- b. Request by Michael P. Janecek and Rita K. Janecek, Paradise Sweets, LLC, to exercise option to renew lease for Pass-a-Grille and Upham Beach concession operations for an additional five years.

City Manager Saunders reported that Paradise Sweets LLC was originally awarded the lease agreement to manage Paradise Grille in 2008 and granted an additional five-year lease in 2013. The current managers, Rita and Michael Janecek, have requested an additional five-year renewal of the lease.

Mayor Johnson called for audience comments.

Rita Janecek, Paradise Sweets LLC, introduced her partner and managers and thanked the supporters of their businesses, Paradise Grille and Upham Beach concession stands. Ms. Janecek submitted two documents in support of both locations.

Michael Janecek, Paradise Sweets LLC, expressed an interest in continuing to manage the two concession stands and requested renewal of the lease for an additional five-year period.

The following individuals spoke in support of Paradise Sweets LLC:

Dwayne Hale, Gulf Winds Drive, employee of Paradise Sweets LLC
Carolynn Walker, 6th Avenue
Jay Lutz, Vina del Mar
Megan Donahue, St. Pete Beach
Unidentified speaker, Treasure Island
Matt Janecek, manager of Paradise Sweets
Mary Haas, Isla Del Sol

Vice Mayor Friszolowski commented on bidding and renewing previous contracts and the changes that have taken place with different vendors.

Mayor Johnson stated the City is looking for a more simplified contract to administrator.

Commissioner Pletcher thanked the current managers and noted she did not support the sale of beer and wine at the concession stands.

Commissioner Finnerty spoke in support of the Upham Beach concession stand.

Commissioner Falkenstein stated that the current managers brought life to the patio with the artist shows and events.

City Attorney requested the proposed motion be amended to include that the city manager be authorized to respond in writing to the request for renewal of the lease by the current management.

Hearing no further Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to deny the request for an extension of the lease between the City and Paradise Sweets, LLC, and to authorize the city manager to respond in writing to their request. The motion was seconded by Commissioner Pletcher and unanimously approved by an individual roll call vote.

- c. Request approval of the task order under the Continuing Engineering Services Contract with Cribb Philbeck Weaver Group, Inc., in the amount not to exceed \$68,850.00 for Construction Inspection Services of the Pass-A-Grille Way reconstruction from West Maritana Drive to 19th Avenue.

City Manager Saunders reported that the scope of services will include daily inspections, attendance at meetings, field changes, pay application review, change order review and coordination, weekly progress reports, and project scheduling.

Hearing no further Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Pletcher moved to approve Item 5(c), to approve the task order under the continuing engineering services contract with Cribb Philbeck Weaver Group, Inc., in the amount not to exceed \$68,850.00 for construction inspection services of the Pass-A-Grille Way reconstruction from West Maritana Drive to 19th Avenue. The motion was seconded by Vice Mayor Friszolowski and unanimously approved by an individual roll call vote.

4. Consent Item (item previously pulled for discussion)

- b. Authorization to approve a special event application request for a beach fire on Upham Beach on Saturday, March 10, 2018.

Commissioner Finnerty noted that she requested to pull Item 4(b) due resident concerns.

Mayor Johnson called for audience comments.

Bill Pyle, Silver Sands Condominiums, spoke in opposition to the special event in regard to serving alcohol on the beach.

Hearing no further Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Vice Mayor Friszolowski moved to approve Item 4(b), to authorize the approval of the special event application request for a beach fire on Upham Beach on Saturday, March 10, 2018, with all items that are listed in the Special Event application. The motion was seconded by Commissioner Pletcher and approved by a 3-2 vote, with Commissioner Finnerty and Commissioner Falkenstein voting 'no' and Mayor Johnson, Vice Mayor Friszolowski, and Commissioner Pletcher voting 'yes.'

6. Ordinances

- a. Ordinance 2017-21 (Quasi-Judicial), Final Reading and Public Hearing for CPA 02-17 for the Future Land Use Map change for the property located at 702 Pass-A-Grille Way from ROR/PAG, Residential Office Retail to CRD-EA, Community Redevelopment District Eighth Avenue.

Mayor Johnson reported that Item 6(a) is a Quasi-judicial proceeding and asked that asked speakers to stand and be sworn in by the City Clerk.

City Clerk Haynes administered the oath to those in attendance who wished to speak on Item 6(a).

Mayor Johnson requested Commissioners disclose any ex parte communication they had in regard to Item 6(a).

Commissioner Pletcher disclosed that she spoke with residents and business owners.

Vice Mayor Friszolowski stated that he has no ex parte communication to disclose.

Commissioner Finnerty stated that she has no ex parte communication to disclose.

Commissioner Falkenstein stated that he has no ex parte communication to disclose.

Mayor Johnson disclosed that he viewed the property and received email communication in support of the project.

City Manager Saunders stated that the proposed Future Land Use Map change from ROR to CRD-EA is consistent with Florida Statutes, Pinellas County-Wide Plan Rules, and the St. Pete Beach Comprehensive Plan. No comments were received in response to notification to Florida Department of Environmental Protection (FDEP), Florida Department of Transportation (FDOT), and Florida Department of Economic Opportunity (FDEO); and Southwest Florida Water Management District commented in regard to future water supply.

Dave Feinberg, applicant, Pass-a-Grille Way, stated that the property he owns to the north is currently zoned as CRD-EA. Mr. Feinberg noted that he has received correspondence from neighbors in support of the change in land use from ROR to CRD-EA on properties to the south and the east.

Mayor Johnson called for audience comments in favor of the rezone. There were no comments.

Mayor Johnson called for audience comments in opposition of the rezone.

Dane Beam, 7th Avenue, spoke in opposition to additional rezoning beyond this property and requested assurance from the Commission that this will not occur.

Hearing no additional Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to approve Item 6(a), Ordinance 2017-21, upon final reading, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, implementing Amendment #02-17 of the Comprehensive Plan of the City by amending the Future Land Use Plan map incorporated therein; providing for amendment to the Future Land Use Plan map designation of the property generally located at 702 Pass-a-Grille Way, Lot 17, Block 6, Morey Beach, and more specifically described in Exhibit "A"; attached hereto and incorporated herein; providing for a change in the designation of said parcel from Residential-Office-Retail to Community Redevelopment District – Eighth Avenue on the City's Future Land Use Plan Map; providing for conflicts, severability, construction, publication, and effective date. The motion was seconded by Commissioner Pletcher and approved by a 4-1 individual roll call vote, with Commissioner Falkenstein voting 'no' and Mayor Johnson, Vice Mayor Friszolowski, Commissioner Finnerty and Commissioner Pletcher voting 'yes.'

- b. Ordinance No 2017-22 (Quasi-Judicial), Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach providing for a zoning map change for the property located at 702 Pass-a-Grille Way from ROR/PAG to CRD-EA.

City Attorney Dickman stated that the disclosures and oaths taken during Item 6(a) remains applicable for Item 6(b), as the items are linked.

City Manager Saunders reviewed the proposed zoning map change. It has been determined that the change is consistent with Florida Statutes, Pinellas County-Wide Plan Rules, the intent of the Land Development Regulations, and the St. Pete Beach Comprehensive Plan [with the approval of Item 6(a)]; also, the Planning Board, sitting as the Local Planning Agency, has approved the zoning change.

Mayor called for comments from the applicant.

Dave Feinberg, Pass-a-Grille Way, stated he did not have any further comments but is available to answer any questions the Commission posed.

Hearing no additional Commission comments or audience comments in favor or opposed to the project, Mayor Johnson called for a motion and the vote.

Commissioner Pletcher moved to approve Item 6(b), Ordinance 2017-22, upon final reading, an ordinance of the City of St. Pete Beach, Pinellas

County, Florida, providing for an amendment to the official zoning map for the property generally located at 702 Pass-a-Grille Way, Lot 17, Block 6, Morey Beach, and more specifically described in Exhibit 'A' attached hereto and incorporated herein; from Residential – Office – Retail with Pass-a-Grille Overlay to Community Redevelopment District – Eighth Avenue; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; providing for conflicts, severability, construction, publication, and an effective date. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

7. Resolutions

- a. Resolution 2018-03, a resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a Conditional Use permit for a Class I Mobile Food Truck use on the premises of an existing business located at 7701 Blind Pass Road.

Mayor Johnson announced that Item 7(a) was also a Quasi-Judicial hearing.

City Clerk Haynes administered to oath to swear-in interested parties wishing to speak on Item 7(a).

City Attorney Dickman requested Commissioners disclose any ex parte communication.

Mayor Johnson stated he had discussions directly with and received correspondence from the owner of Mastry's Brewery Company.

Commissioner Finnerty disclosed she exchanged email communication with and received communication from the owner of Mastry's Brewery Company.

Commissioner Pletcher disclosed that she has discussed the issue in general and received communication from the owner of Mastry's Brewery Company.

Vice Mayor Friszolowski disclosed that he received communication from the owner of Mastry's Brewery Company.

Commissioner Falkenstein disclosed that he received communication from the owner of Mastry's Brewery Company.

City Manager Saunders reviewed the conditions as developed subsequent to discussions with the applicant.

Mayor Johnson called for comments from the applicant.

Matthew Dahm, applicant and owner of Mastry's Brewery Company, Blind Pass Road, discussed the changes to the conditional use permit that he requested, including customer parking and the location of the food trucks.

Hearing no additional applicant comments, Mayor Johnson called for audience comments.

Amanda Evans, 74th Avenue, spoke in support of Mastry's Brewery Company.

Doug Izzo, Tampa Bay Beaches Chamber of Commerce, spoke in support of Mastry's Brewery Company

Karen Marriott, 71st Avenue, spoke in support of Mastry's Brewery Company.

The final amendments to the conditions in the resolution and conditional use permit are as follows:

- 1) If any of the stated conditions are violated, the applicant understands ~~and agrees that~~ the City Commission may modify or revoke this Conditional Use Permit by resolution following a public hearing.
- 2) ~~Applicant understands and agrees that a~~No grandfather status is granted with this Conditional Use Permit, ~~and further understands and agrees that~~
tThe applicant must comply, within six (6) months of adoption, with any and all amendments to the Code of Ordinances and Land Development Code regarding this use including prohibition of use.
- 3) ~~Due to the variance granted to reduce parking spaces from 41 spaces to 13 spaces (VARIANCE Case #2015-0066), no food trucks may be placed in any parking spaces on the premises. This prohibition includes no placement of food trucks on the north side of the property as shown on the approved site plan.~~
- 34) Food trucks may be placed only in the front yard along Blind Pass Road as shown on the approved site plan.
- 45) To the extent applicable to private property owners, tThe applicant must meet all requirements included in Ordinance 2017-12 pertaining to Mobile Food Establishments and Mobile Food Trucks and conditions stated in this Conditional Use Permit, whichever is more restrictive.
- 56) The applicant may only have food trucks located on ~~their~~ its property ~~that~~ which comply with all Mobile Food Truck requirements as established by the City and other applicable regulatory agencies.
- 7) ~~A minimum of one week in advance, the applicant shall provide the City with a schedule of days that food trucks will be on the property in order to provide for required inspections by the Fire Marshall.~~
- 68) The applicant must ensure that NFPA food truck safety guidelines are followed.

- 79) In order to protect public safety, the applicant shall provide high visibility cones or other approved delineates along the curb line of Blind Pass Road at the location of the food trucks in order to prevent ingress and egress.
- 810) This conditional use is not transferable to another business or location.

Hearing no additional Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to approve Item 7(a), Resolution 2017-03, a resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a conditional use permit for a Class 1 Mobile Food Truck use on the premises of an existing business located at 7701 Blind Pass Road; incorporating the conditions outlined herein and providing an effective date. The motion was seconded by Commissioner Falkenstein.

Commissioner Finnerty amended the motion to include ‘with amendments as outlined by the city attorney.’ The amendment was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

8. Items for Discussion

There were no items for discussion submitted.

9. Audience Comments 2

Corey Hubbard, Casablanca Avenue, spoke about waterborne taxis.

10. City Clerk, City Manager, City Attorney and City Commission Reports

City Clerk Haynes reported on the following items:

- Suncoast League of Cities business meeting sponsored by the City Clerk’s Office scheduled for Friday, February 16th, at the Community Center.
- Mayors’ Prayer Brunch sponsored by the Chamber of Commerce scheduled for Friday, February 23rd, at the Club at Treasure Island
- City Hall is closed on Monday, February 16th, in honor of Presidents’ Day

City Manager Saunders reported on the following items:

- Dynamic message board signs installed along major roadways by Pinellas County. Presentation at the Big C meeting on February 28, 2018.
- Property adjacent to Lido Park and owned by Duke Energy is listed for sale
- Boating and buoy signage

City Attorney Dickman reported on the following items:

- Variance criteria used by staff and board members

Commissioner Pletcher reported on the following items:

- Pinellas Suncoast Transit Authority busses

Commissioner Finnerty reported on the following items:

- St. Pete Beach Support Our Troops officially closed its doors on January 24th and there will be a presentation showing its history at the next Commission meeting
- Attendance at the Florida League of Cities Conference and update on current legislation
- Update on Blind Pass Road improvements

Commissioner Falkenstein reported on the following items:

- Fence on 55th Avenue near the pump
- Gulf Way traffic congestion due to drivers stopping to wait for a parking space
- Film festival on nature at Eckerd College
- Update on library events
- Crosswalk safety

Vice Mayor Friszolowski reported on the following items:

- Lido Beach Homeowners Association meeting at 6:00 p.m. on February 15th at Lido Park
- Belle Vista Homeowners Association meeting at 6:00 p.m. on February 22nd at Bill Corrotto Park
- Update on beach benches

Mayor Johnson reported on the following items:

- Program to serve as a lunch pal for elementary school children
- Invitation to serve on a panel discussion at MacDill Air Force Base on February 28, 2018 in regard to Hurricane Irma
- Vehicle parking limitations during City events

11. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 9:50 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Alan Johnson, Mayor

Minutes approved on: _____

CITY COMMISSION MEETING

MINUTES

FEBRUARY 27, 2018

6:00 P.M.

CALL TO ORDER

Mayor Johnson called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Al Johnson, Mayor
Ward Friszolowski, Vice Mayor
Terri Finnerty, Commissioner
Rick Falkenstein, Commissioner
Melinda Pletcher, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Mike Clarke, Public Works Director
Vince Tenaglia, Administrative Services Director
Betcinda Kettles, Library Administrator

1. Presentations

a. St. Pete Beach Classic

Mimi Chavin, President of the St. Pete Beach Classic, thanked the supporters and participants of the race. Ms. Chavin listed the following contributions from race profits: SPB Recreation Department, \$4,000; SPB Library, \$2,000; and Gulf Beaches Historical Museum, \$2,000.

2. Changes to the Agenda

There were no changes to the agenda.

3. Audience Comments

An unidentified speaker discussed the lack of parking during the Seafood Festival.

4. Consent

- a. Authorization to approve special event application and street closure for Pass-a-Grille Beach Community Church Easter Sunrise Service scheduled for April 1, 2018.
- b. Request approval of task order 2018-04 under the Continuing Engineering Services Contract with GGI LLC, in the amount of \$19,880.00 for the design and contract documents of Stormwater Improvements at Belle Vista Drive and Mangrove Point.

Hearing no Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Vice Mayor Friszolowski moved to approve Consent Items 4(a) and (b) as submitted. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

5. Action Items

There were no action items presented.

6. Ordinances

- a. Ordinance 2017-30: Final Reading and Public Hearing, an Ordinance amending the City of St. Pete Beach Land Development Code pertaining to inconsistent codes or code clarity.

Mr. Saunders reported that the proposed City-initiated ordinance will clarify inconsistencies in the current code.

Hearing no Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Pletcher moved to approve Item 6(a), Ordinance 2017-30, upon final reading, an ordinance of the City of St. Pete Beach, Florida providing for an amendment to the St. Pete Beach Land Development Code as follows: Section 2.1, Definitions, to provide definitions for mixed use development and special events; Section 6.12(h), Beach Concession, to provide clarity on hut placement; Section 6.22, Yards and Measurements of Required Yards, to provide for balcony encroachment; Section 6.24, Outdoor Dining and Outdoor Drinking Areas, to clarify requirements;

Section 22.4(f), Groundcovers, to clarify pervious area; Section 23.4, General Parking Requirements, to provide for backing out onto public streets; Section 33.2, CC-2 Permitted Uses, to provide for consistency with the Comprehensive Plan; Section 35.3(b), LR Permitted Conditional Uses, to allow for additional supportive commercial uses; Section 37.7(a), TC-1 Density and Intensity, to provide for consistency with the Comprehensive Plan; Section 39.8(a), CRD Design, Scale and Mass of Buildings, to provide for clarity; Section 39.10, CRD Streetscape Design Requirements, to provide clarity; Section 40.9, CRD-EA, Setbacks, to correct a Scrivener's error; Section 13.4, ROR; Section 14.4, RFM; Section 15.4, CG-1; Section 16.4, CG-2; Section 30.4, TC-1; Section 32.4, CC-1; Section 33.4, CC-2; Section 37.5, TC-1; Section 38.4, AC; to provide for additional conditional uses; providing for severability; providing for conflicts, severability, construction, publication, and an effective date. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

7. Resolutions

There were no resolutions presented.

8. Items for Discussion

a. Shell Driveways

Mayor Johnson requested Item 8(a) be added to the agenda for discussion in regard to including shell as an acceptable driveway surface.

Vice Mayor Friszolowski noted that the shell poses a run-off problem with street sweeping and drainage pipes.

It was the consensus of the Commission to direct the City Manager to review the current ordinance and return with alternatives and recommendations.

b. Event parking at existing businesses

Mayor Johnson requested Item 8(b) be added to the agenda for discussion in regard to allowing businesses to charge for parking during special events in order to increase the number of spaces available for participants.

It was the consensus of the Commission to request input and assistance from the Chamber of Commerce to determine if additional parking spaces are warranted.

9. Audience Comments 2

An unidentified speaker commented about the pedestrian and bicycle traffic on Corey Avenue Bridge, and the addition of railing on the walkway.

10. City Clerk, City Manager, City Attorney and City Commission Reports

City Clerk Haynes: no report

City Manager Saunders reported on the following items:

- Installation of large message signs along Gulf Boulevard by Pinellas County
- Interviews will be scheduled for Director of Community Development Department applicants

City Attorney Dickman reported on the following item:

- Update on an executive session ruling for the City of St. Petersburg

Commissioner Pletcher reported on the following items:

- Birthday wishes to Representative Kathleen Peters
- Update on the status of buoy installation
- Update on the status of smoke testing
- Traffic congestion along Gulf Way
- Traffic study for the stop light at the corner of 21st Avenue and Pass-a-Grille Way

Commissioner Finnerty reported on the following items:

- Support Our Troops presentation at the next Commission meeting
- Attended a veterans' event dedicated to Auggie D'Allessio
- FDOT to install crosswalks on Gulf Boulevard at 37th Avenue, 71st Avenue and in front of the Yacht Club condominiums

Commissioner Falkenstein reported on the following items:

- Commended Ms. Tamara Harvie, Community Development Department Secretary, on issuing re-entry permits
- Update on library events
- Street lights along Gulf Boulevard
- Solar lights in medians along Gulf Boulevard

Vice Mayor Friszolowski reported on the following items:

- Great communication with the smoke testing project
- Lido Beach Community Association will meet on March 15th at 6:00 p.m. in Lido Park
- Belle Vista Community Association will meet on April 12th at 6:00 p.m. in Bill Corrotto Park
- Recycle containers

Mayor Johnson reported on the following items:

- Florida League of Cities communication in regard to elections, HB 737

- Off-shore drilling resolution
- Invitation to participate in interviewing House representative candidates
- Vice Mayor Friszolowski will attend the next Mayors' Council meeting on the Mayor's behalf

11. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:30 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Alan Johnson, Mayor

Minutes approved on: _____

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Request approval of Amendment #1 to Task Order #1 under the Continuing Engineering Services Contract with Cardno in the amount of \$23,045.00 for design and construction documents for Library Improvements.

Date: March 27, 2018

Prepared By: Mike Clarke, Public Works Director

Through: Wayne Saunders, City Manager

Summary of Issue: The City approved Task Order #1 with Cardno on September 19, 2017 for design services related to the repair or replacement of the St. Pete Beach Public Library's roof/precast walls and HVAC System. These services were based on a comprehensive building inspection performed by Advanced Building Inspections (ABI) in September 2016.

This amendment includes services associated with the precast connection, as-built drawings, and the exploratory testing of the roof. The initial inspection performed by ABI did not include any destructive testing, which is included in this amendment as roofing core samples to determine roof thickness, composition and weight.

Funding: CIP – Library Improvements
(301-8000-590-5650)

Requested Motion: “I move to approve of Amendment #1 to Task Order #1 from Cardno in the amount of \$23,045.00 for design and construction documents for Library Improvements.”

Attachment: Task Order #1 Amendment #1 from Cardno

**Reviewed by the
City Manager:** 

February 2nd, 2018

Mr. Brett Warner
Public Works Department
City of St. Pete Beach
7581 Boca Ciega Dr.
St. Pete Beach, FL 33706-1839

380 Park Place Blvd
Suite 300
Clearwater, FL 33759

Phone 727 531 3505
Phone 800 861 8314
Fax 727 539 1294

www.Cardno.com

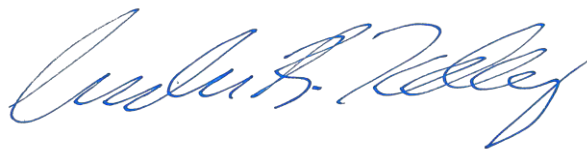
Re: City of St. Pete Beach Continuing Contract for Professional Design Services
Task Order No. 1 Amendment 1– St. Pete Beach Public Library Restoration

Dear Mr. Warner,

Please see the attached Amendment No. 1 to Task Order No. 1 for the St. Pete Beach Public Library Restoration Project. This proposal includes services associated with the precast connections, the as-built drawings, and the exploratory testing of the roof. Please see the attached Scope of Services, fee spreadsheet, and sub-consultant service sheets.

If you have any questions please let me know at my direct line below or via email at Ananda.Kelley@cardno.com.

Sincerely,



Ananda Kelley, PE

Structures Practice Group Manager
Direct Line (727) 431-1594

Enclosures

CC: File

CITY OF ST. PETE BEACH
SCOPE OF SERVICES FOR AMENDMENT NO. 1 TO TASK ORDER NO. 1
ST. PETE BEACH PUBLIC LIBRARY RESTORATION

I. DESCRIPTION OF PROJECT

Professional design services were requested for renovations to the St. Pete Beach Public Library. An inspection of the library performed on September 23rd, 2016 noted deficiencies to the electrical, mechanical, and plumbing systems as well as a roofing system in need of replacement due to ongoing problems including water intrusion at the fascia/soffit around the perimeter of the building.

A three-package proposal was submitted in August of 2017 and the City approved to move forward with Package 2 (HVAC) and Package 3 (Roof/Pre-Cast Wall) and opted to not move forward with Package 1 (Structural Floor Repairs) due to further investigation being required.

Two of Cardno's subconsultants, McCarthy & Associates and MBA, had included services associated with Packages 2 & 3 under Package 1. McCarthy included services to investigate, prepare construction documents, and perform construction phase services for the precast connections under Package 1 instead of Package 3. MBA included the task of preparing the existing library As-Built Drawings in AutoCAD in Package 1 anticipating that this one-time task would be used for all three packages. A note was included on their proposal that if Package 1 was not done first then some money would need to be allocated into Packages 2 & 3.

Additionally, it was found during the roof inspection that the roof had been updated since the original library construction. To determine the current roof thickness, composition, and weight, the roof will need additional exploratory testing. The underside of the roof deck will also need to be surveyed to determine the extent of deck damage. Ceiling tiles will need to be removed and re-installed by others for this evaluation.

The purpose of this amendment is to get authorization to perform the services associated with the precast connections, the as-built drawings, and the exploratory testing of the roof.

II. SCOPE OF SERVICES

Amendment 1 – Precast Connections, As-Built Drawings, Roof Exploratory Testing

- Perform site investigation of precast connections
- Prepare construction documents for precast connections
- Provide construction administration services for precast connections
- Provide four (4) construction site visits to evaluate precast connections
- Prepare As-Built Drawings in AutoCAD

- Perform 3-4 roofing cores to determine roof thickness, composition & weight.
- Survey of underside of roof deck to estimate extent of deck damage. Ceiling tiles are required to be removed for evaluation. Removal and re-installment is the responsibility of others.
- Submit letter of findings including relevant information obtained during site visit and preliminary roof deck repair recommendations.

III. SCHEDULE

See Attachment B in Original Task

IV. A/E'S RESPONSIBILITIES

See Amendment 1 Scope of Services

V. CITY'S RESPONSIBILITIES

The City's responsibilities include providing the A/E with construction plans for any modifications to the library. This City should also remove ceiling tiles required for the roof deck evaluation.

VI. DELIVERABLES

Deliverables include two sets of 24" x 36" paper along with electronic copy of repair plans and electronic copies of reports and construction cost estimate.

VII. A/E'S COMPENSATION

The A/E's Compensation is detailed in Attachment A.

REMAINING PORTION INTENTIONALLY LEFT BLANK



City of St. Pete Beach
Task Work Order No. 1 - Amendment No. 1
St. Pete Beach Public Library
Attachment A / Engineering Services Fee Estimate

02/02/18
12:29 AM

TASK	DESCRIPTION	Principal \$250	Project Manager \$180	Senior Engineer \$170	Designer \$105	Clerical \$70	TOTAL HRS	FEE
Amendment No. 1	Precast Connections, As-Built Drawings, Roof Exploratory Testing							\$0.00
	Amendment No. 1 Subconsultant Services							
McCarthy	Perform site investigation of precast connections							\$1,500.00
McCarthy	Prepare construction documents for precast connections							\$11,000.00
McCarthy	Provide construction administration services for precast connections							\$1,000.00
McCarthy	Provide four (4) construction site visits to evaluate precast connections							\$2,000.00
MBA	Prepare As-Built Drawings in AutoCAD							\$3,000.00
McCarthy	Roofing cores, deck underside survey, letter of findings							\$4,545.00
	Amendment No. 1 PROFESSIONAL SERVICES TOTAL FEE							\$23,045.00

P:\EES_MKT2017\by_City\StPeteBeach\St Pete Beach Public Library\proposal\Amendment No. 1\St. Pete Beach Public Library Fee-Amd_1.xls\final

PROPOSAL for LIMITED STRUCTURAL ENGINEERING SERVICES

TO: Tom Burke **Cardno**

FROM: E. Michael McCarthy, PE

RE: **St Pete Beach Library Renovations**
365 73rd Ave St. Pete Beach, FL

DATE: 1-Mar-17
13-Jun-17 Add HVAC & Reroof and separate into 3 separate bid packages
3-Jan-18 Revisions per conference call with Vince Barnes and Cardno

DESCRIPTION: Existing 1-story with steel joists, concrete floor, piling, & precast cladding
Existing drawings have been provided

BACKGROUND: An assessment of the building was done by Advanced Building Systems, Inc.
ABS found no major structural defects
However, ABS recommended analysis & repair of precast welded connections

STRUCTURAL SCOPE: 1) Precast Connections: design repairs to precast connections
2) HVAC: possible new RTU's
3) Roof: prepare wind tables for re-roofing (weight of new roof < existing)
and evaluate deck fasteners if existing deck is to be exposed

SERVICES INCLUDE: Investigation - investigate existing precast connections and
recommend exploratory demolition and testing if necessary
Construction Documents - prepare s/s repair drawings and specs
Construction Administration - shop drawings review and RFI's
Construction Observation - 4 site visits

SERVICES EXCLUDE: Structural analysis, evaluation, or design that is not specifically listed above
Slab settlement
Roof damage repairs
Design of roof upgrades to support a heavier roof
Review of existing drawings for errors and omissions
Measurements of existing conditions
Exploratory demolition to expose hidden conditions
Testing of construction materials
Construction cost estimates

PROVIDED BY OTHERS: As-built structural drawings of the existing building
Exploratory demolition and testing if required
High lift access if required

PROPOSED FEE:

	Precast Conn's	HVAC	Roof	Total
Site Investigation	1,500	-	500	2,000
Construction Documents:	11,000	5,000	2,500	18,500
Construction Administration:	1,000	500	1,000	2,500
Construction Site Visits (4):	2,000	-	-	2,000
Total:	\$ 15,500	\$ 5,500	\$ 4,000	\$ 25,000

Ananda Kelley

From: Michael Mason <mmason@masonblau.com>
Sent: Thursday, February 1, 2018 11:54 AM
To: Ananda Kelley
Cc: Thomas Burke; Alvaro Coronel
Subject: RE: St. Pete Beach Library Add Svce CRDNO17001

Ananda,

We needed \$3,000 moved forward to do as-built AutoCAD drawing files. We completed this task and issued drawings to the consultant team already from memory.

Thank you,

Mike Mason

Michael R. Mason, AIA, LEED AP
President

MBA MASON BLAU AND ASSOCIATES, INC

4625 East Bay Drive, Suite 228

Clearwater, FL 33764

P. 727/530-0570 X. 225

F. 727/530-0672

Email: mmason@masonblau.com

Website: <http://www.masonblau.com>

From: Ananda Kelley [mailto:Ananda.Kelley@cardno.com]
Sent: Thursday, January 25, 2018 2:36 PM
To: Vince Barnes <vbarnes@pennoni.com>; Michael Mason <mmason@masonblau.com>
Cc: Thomas Burke <Tom.Burke@cardno.com>
Subject: RE: St. Pete Beach Library Add Svce CRDNO17001

Hi Vince, Mike,

I finally spoke with Brett at St Pete Beach regarding the library this afternoon. I will be submitting an amendment to the task order for McCarthy's \$15,500 precast connection work as well as the \$4,545 for the destructive roof testing.

Mike, please let me know what portion of the Package 1 work (that did not get approved) you would like to request we move to this amendment. In your proposal dated 7/13/17 there is language noting that if Package 1 is not done first then you would need to allocate some of the funds into packages 2 and 3.

Thank you both,

Ananda

January 10, 2018

Ms. Amanda Kelley
Cardno TBE
380 Park Place Blvd. Suite 300
Clearwater, FL 33759

RE: **St. Pete Beach Library**
Request for Additional Services
McCarthy Project No. CRDNO17001

Dear Amanda:

Based on our discussion on January 2, 2018, we have been asked to provide the following additional services that are not included in our original scope of services. This is a request to bill for our time as "Additional Services" in accordance with the terms of our agreement and in the amount of **\$4,545.00**.

Following fee estimate has been prepared at your request for additional exploratory testing of the existing roof deck. The information will be used in the design of roof repairs and recommendations for roof replacement. The requested evaluation includes:

- 3-4 roofing cores to determine roof thickness, composition & weight. The work will be performed by Sutter Roofing, certified roofing contractor.
- Survey of underside of roof deck to estimate extent of deck damage. Ceiling tiles are required to be removed for evaluation. Removal and re-installment is the responsibility of others.
- Letter of findings including relevant information obtained during site visit and preliminary roof deck repair recommendations.

APPROVED AND ACCEPTED:



E. Michael McCarthy, P.E.
McCarthy and Associates
A Division of Pennoni

By: _____
Signature

Title: _____

Date: _____

Please sign and return. We will not proceed with these services until we receive a signed copy back to this office indicating your acceptance. This is not an invoice.

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Request approval to execute a purchase agreement with Municipal Emergency Services (MES) in the amount of \$143,762.42 for Fire Department SCBA equipment, utilizing Lake County Contract # 17-0606 and funding provided by FEMA's Assistance to Firefighters Grant Program.

Date: March 27, 2018

Prepared By: Adam Poirrier, District Chief

Through: Jim Kilpatrick, Fire Chief

Summary of Issue: Our Self Contained Breathing Apparatus (SCBA) units were purchased approximately 12 years ago and are in need of replacement. SCBA units are required to meet NFPA standard 1981 which is updated when needed to ensure firefighters are protected from the many hazards that exist in Immediately Dangerous to Life and Health (IDLH) environments. Our current SCBA units only meet the NFPA 1981, 2002 edition and lack many of the safety features included in the 2013 and 2018 update.

Understanding this need, the Fire Department applied for a FEMA Assistance to Firefighters Grant (FEMA/AFG) in 2017 and was officially awarded funding effective through the FEMA performance period of June 22, 2018.

Since the award notification, the Fire Department has been in the development phase for the replacement of this equipment and worked with several vendors (Municipal Emergency Services (MES) and Ten 8 Fire Equipment Inc.) for this purchase. These two vendors represented the local distributors for MSA and Scott brand SCBA units. These two brands are the only two currently utilized in Pinellas County which is why they were the only brands researched. The unit chosen was the lowest available price and utilizes Lake County Contract #17-0606 ,consistent with FEMA/AFG guidelines.

In addition to pricing, the Scott X3 SCBA unit provides additional safety items that will enhance the safety and health of our firefighters. These items include removable strapping to facilitate post IDLH decontamination and electronic personnel accountability.

The department is requesting that the Commission authorize the City Manager to execute a purchase agreement with Municipal Emergency Services (MES) for the purchase of the SCBA units.

Funding:

Reimbursed by FEMA's Assistance to Firefighters Grant Program totaling \$136,574.30. The City's match totaling \$7,188.12 will be funded via Ordinance 2018-04, authorizing supplemental appropriations for the Fire Department.

Requested Motion:

"I move to approve to execute the purchase agreement with Municipal Emergency Services (MES) for the replacement of the existing SCBA units in the amount of \$143,762.42 priced using Lake County Contract #17-0606 and utilizing FEMA's Assistance to Firefighters Grant Program funds.

Attachment:

Municipal Emergency Services (MES) proposal

**Reviewed by the
City Manager:**

WS

Award Package

2016-2017

**FEMA**

Mr. Adam Poirrier
City of St. Pete Beach Fire Department
155 COREY AVE
SAINT PETERSBURG, Florida 33706-1839

Re: Award No. EMW-2016-FO-02727

Dear Mr. Poirrier:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2016 Assistance to Firefighters Grant has been approved in the amount of \$137,191.00. As a condition of this award, you are required to contribute a cost match in the amount of \$6,859.00 of non-Federal funds, or 5 percent of the Federal contribution of \$137,191.00.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the Assistance to Firefighters Grant Programs' e-grant system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo
- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2016 Assistance to Firefighters Grant Notice of Funding Opportunity.

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Prior to requesting Federal funds, all recipients are required to register in the System for Award Management (SAM.gov). As the recipient, you must register and maintain current information in SAM.gov until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that the recipient review and update the information annually after the initial registration, and more frequently for changes in your information. There is no charge to register in SAM.gov. Your registration must be completed on-line at <https://www.sam.gov/portal/public/SAM/>. It is your entity's responsibility to have a valid DUNS number at the time of registration.

In order to establish acceptance of the award and its terms, please follow these instructions:

Step 1: Please go to <https://portal.fema.gov> to accept or decline your award. This will take you to the Assistance to Firefighters eGrants system. Enter your User Name and Password as requested on the login screen. Your User Name and Password are the same as those used to complete the application on-line.

Once you are in the system, the Status page will be the first screen you see. On the right side of the Status screen, you will see a column entitled Action. In this column, please select the View Award Package from the drop down menu. Click Go to view your award package and indicate your acceptance or declination of award. PLEASE NOTE: your period of performance has begun. If you wish to accept your grant, you should do so immediately. When you have finished, we recommend printing your award package for your records.

Step 2: If you accept your award, you will see a link on the left side of the screen that says "Update 1199A" in the Action column. Click this link. This link will take you to the SF-1199A, Direct Deposit Sign-up Form. Please complete the SF-1199A on-line if you have not done so already. When you have finished, you must submit the form electronically. Then, using the Print 1199A Button, print a copy and take it to your bank to have the bottom portion completed. Make sure your application number is on the form. After your bank has filled out their portion of the form, you must fax a copy of the form to FEMA's SF-1199 Processing Staff at 540-504-2883. You should keep the original form in your grant files. After the faxed version of your SF 1199A has been reviewed you will receive an email indicating the form is approved. Once approved you will be able to request payments online. If you have any questions or concerns regarding your 1199A, or the process to request your funds, please call (866) 274-0960.

Sincerely,

A handwritten signature in black ink, appearing to read "Bridget Bean", with a long horizontal flourish extending to the right.

Bridget Bean

Acting Assistant Administrator for Grant Programs

Summary Award Memo

**SUMMARY OF ASSISTANCE ACTION
ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM
Application**

INSTRUMENT: GRANT
AGREEMENT NUMBER: EMW-2016-FO-02727
GRANTEE: City of St. Pete Beach Fire Department
DUNS NUMBER: 025164955
AMOUNT: \$144,050.00, Operations and Safety

Project Description

The purpose of the Assistance to Firefighters Program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards.

After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application, and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant program's purpose and worthy of award. The projects approved for funding are indicated by the budget or negotiation comments below. The recipient shall perform the work described in the grant application for the recipient's approved project or projects as itemized in the request details section of the application and further described in the grant application narrative. The content of the approved portions of the application - along with any documents submitted with the recipient's application - are incorporated by reference into the terms of the recipient's award. The recipient may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval, via amendment request, from FEMA.

Period of Performance

23-JUN-17 to 22-JUN-18

Amount Awarded

The amount of the award is detailed in the attached Obligating Document for Award. The following are the budgeted estimates for object classes for this grant (including Federal share plus recipient match):

Personnel:	\$0.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$144,050.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Indirect Charges	\$0.00
State Taxes	\$0.00
Total	\$144,050.00

NEGOTIATION COMMENTS IF APPLICABLE (max 8000 characters)

1. The Program Office has made the following reductions to your grant:

SCBAs will be funded at \$7,000 each, not \$8,100 each.
Therefore, they have recommended the award at this level:
Total budget \$144,050
Federal share \$137,191
Applicant share \$6,859

Any questions pertaining to your award package, please contact your GPD Grants Management Specialist:
Chanee Williams at chanee.williams@fema.dhs.gov.

FEMA Officials

Program Officer: The Program Specialist is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application. If you have any programmatic questions regarding your grant, please call the AFG Help Desk at 866-274-0960 to be directed to a program specialist.

Grants Assistance Officer: The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters. The Officer conducts the final business review of all grant awards and permits the obligation of federal funds. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a Grants Management Specialist.

Grants Operations POC: The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this grant award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

ADDITIONAL REQUIREMENTS (IF APPLICABLE) (max 8000 characters)

National Environmental Policy Act

All recipients must comply with the requirements of the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. All recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Agreement Articles



FEMA

U.S. Department of Homeland Security
Washington, D.C. 20472

AGREEMENT ARTICLES

ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM - Operations and Safety

GRANTEE: City of St. Pete Beach Fire Department

PROGRAM: Operations and Safety

AGREEMENT NUMBER: EMW-2016-FO-02727

AMENDMENT NUMBER:

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Article XXV	SAFECOM
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Article XXVII	Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)
Article XXVIII	Trafficking Victims Protection Act of 2000
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Article XXX	USA Patriot Act of 2001
Article XXXI	Use of DHS Seal, Logo and Flags
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Article XXXIII	DHS Specific Acknowledgements and Assurances
Article XXXIV	System of Award Management and Universal Identifier Requirements
Article XXXV	Animal Welfare Act of 1966
Article XXXVI	Protection of Human Subjects
Article XXXVII	Incorporation by Reference of Notice of Funding Opportunity
Article XXXVIII	Acceptance of Post Award Changes
Article XXXIX	Prior Approval for Modification of Approved Budget
Article XL	Disposition of Equipment Acquired Under the Federal Award
Article XLI	Environmental Planning and Historic Preservation Screening

I. **Assurances, Administrative Requirements and Cost Principles**

Recipients of DHS federal financial assistance must complete OMB Standard Form 424B Assurances - Non-Construction Programs. Certain assurances in this document may not be applicable to your program, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions.

The administrative requirements and cost principles that apply to DHS award recipients originate from:

2 C.F.R. Part 200, Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards, as adopted by DHS at 2 C.F.R. Part 3002.

II. **Acknowledgement of Federal Funding from DHS**

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

III. **Activities Conducted Abroad**

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

IV. **Age Discrimination Act of 1975**

All recipients must comply with the requirements of the *Age Discrimination Act of 1975* (42 U.S.C. § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

V. **Americans with Disabilities Act of 1990**

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101-12213).

VI. Best Practices for Collection and Use of Personally Identifiable Information (PII)

All recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.

Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) respectively.

VII. Title VI of the Civil Rights Act of 1964

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Implementing regulations for the Act are found at [6 C.F.R. Part 21](#) and [44 C.F.R. Part 7](#).

VIII. Civil Rights Act of 1968

All recipients must comply with [Title VIII of the Civil Rights Act of 1968](#), which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 *et seq.*), as implemented by the Department of Housing and Urban Development at [24 C.F.R. Part 100](#). The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features (see [24 C.F.R. § 100.201](#)).

IX. Copyright

All recipients must affix the applicable copyright notices of [17 U.S.C. §§ 401 or 402](#) and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).

X. Debarment and Suspension

All recipients must comply with Executive Orders [12549](#) and [12689](#), which provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

XI. Drug-Free Workplace Regulations

All recipients must comply with the *Drug-Free Workplace Act of 1988* (41 U.S.C. § 701 *et seq.*), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at [2 C.F.R. Part 3001](#).

XII. Duplication of Benefits

Any cost allocable to a particular Federal award provided for in [2 C.F.R. Part 200, Subpart E](#) may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal

awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

XIII. **Energy Policy and Conservation Act**

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

XIV. **Reporting Subawards and Executive Compensation**

a. Reporting of first-tier subawards.

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. *Where and when to report.*

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. *What to report.* You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if-

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received-

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:

- i. As part of your registration profile at <https://www.sam.gov>.
- ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if-

- i. in the subrecipient's preceding fiscal year, the subrecipient received-

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

- ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

- i. To the recipient.
- ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- i. Subawards,
- and
- ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

- 1. *Entity* means all of the following, as defined in 2 CFR part 25:

- i. A Governmental organization, which is a State, local government, or Indian tribe;
- ii. A foreign public entity;
- iii. A domestic or foreign nonprofit organization;
- iv. A domestic or foreign for-profit organization;
- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. *Executive* means officers, managing partners, or any other employees in management positions.

3. *Subaward*:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. *Salary and bonus.*
- ii. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
- v. *Above-market earnings on deferred compensation which is not tax-qualified.*

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

XV. False Claims Act and Program Fraud Civil Remedies

All recipients must comply with the requirements of 31 U.S.C. §3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

XVI. Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424B, item number 17 for additional information and guidance.

XVII. Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

XVIII. Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, 15 U.S.C. §2225.

XIX. Limited English Proficiency (Civil Rights Act of 1964, Title VI)

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, *DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

XX. Lobbying Prohibitions

All recipients must comply with 31 U.S.C. §1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to

influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

XXI. Non-supplanting Requirement

All recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or recipients may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

XXII. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in 37 C.F.R. Part 401 and the standard patent rights clause in 37 C.F.R. § 401.14.

XXIII. Procurement of Recovered Materials

All recipients must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

XXIV. Contract Provisions for Non-federal Entity Contracts under Federal Awards

a. Contracts for more than the simplified acquisition threshold set at \$150,000.

All recipients who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by 41 U.S.C. §1908, must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.

b. Contracts in excess of \$10,000.

All recipients that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

XXV. SAFECOM

All recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

XXVI. Terrorist Financing E.O. 13224

All recipients must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the E.O. and laws.

XXVII. Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. Implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

XXVIII. Trafficking Victims Protection Act of 2000

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended (22 U.S.C. § 7104). This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007. Full text of the award term is located at 2 CFR § 175.15.

XXIX. Rehabilitation Act of 1973

All recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

XXX. USA Patriot Act of 2001

All recipients must comply with requirements of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act)*, which amends 18 U.S.C. §§ 175-175c. Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.

XXXI. Use of DHS Seal, Logo and Flags

All recipients must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

XXXII. Whistleblower Protection Act

All recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

XXXIII. DHS Specific Acknowledgements and Assurances

All recipients must acknowledge and agree-and require any sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree-to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
2. Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.

XXXIV. System of Award Management and Universal Identifier Requirements

A. Requirement for System of Award Management

Unless exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for unique entity identifier

If authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
2. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

C. Definitions

For purposes of this award term:

1. *System of Award Management (SAM)* means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).

2. *Unique entity identifier* means the identifier required for SAM registration to uniquely identify business entities.

3. *Entity*, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

- a. A Governmental organization, which is a State, local government, or Indian Tribe;
- b. A foreign public entity;
- c. A domestic or foreign nonprofit organization;
- d. A domestic or foreign for-profit organization; and
- e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

4. *Subaward*:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. *Subrecipient* means an entity that:

- a. Receives a subaward from you under this award; and
- b. Is accountable to you for the use of the Federal funds provided by the subaward.

XXXV. Animal Welfare Act of 1966

All recipients of financial assistance will comply with the requirements of the Animal Welfare Act, as amended (7 U.S.C. §2131 et seq.), which requires that minimum standards of care and treatment be provided for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Recipients must establish appropriate policies and procedures for the humane care and use of animals based on the Guide for the Care and Use of Laboratory Animals and comply with the Public Health Service Policy and Government Principles Regarding the Care and Use of Animals.

XXXVI. Protection of Human Subjects

All recipients of financial assistance will comply with the requirements of the Federal regulations at 45 CFR Part 46, which requires that recipients comply with applicable provisions/law for the protection of human subjects for purposes of research. Recipients must also comply with the requirements in DHS Management Directive 026-04, Protection of Human Subjects, prior to implementing any work with human subjects. For purposes of 45 CFR Part 46, research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part 46.

XXXVII. Incorporation by Reference of Notice of Funding Opportunity

The Notice of Funding Opportunity for this program is hereby incorporated into your award agreement by reference. By accepting this award, the recipient agrees that all allocations and use of funds under this grant will be in accordance with the requirements contained in the Notice of Funding Opportunity.

XXXVIII. Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. If you have questions about these procedures, please contact the AFG Help Desk at 1-866-274-0960, or send an email to firegrants@dhs.gov.

XXXIX. Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. For awards with an approved budget greater than \$150,000, you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

XL. Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

XLI. Environmental Planning and Historic Preservation Screening

AFG funded activities (Modification to Facility or Equipment) that may require an EHP review, involving the installation or requiring renovations to facilities, including but not limited to air compressor/fill station/cascade system (Fixed) for filling SCBA, air improvement systems, alarm systems, antennas, gear dryer, generators (fixed), permanently mounted signs, renovations to facilities, sprinklers, vehicle exhaust systems (fixed) or washer/extractors are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process.

FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders.

To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to our Department of Homeland Security/Federal Emergency Management Agency- website at:
<https://www.fema.gov/library/viewRecord.do?id=6906>

In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds.

FEDERAL EMERGENCY MANAGEMENT AGENCY OBLIGATING DOCUMENT FOR AWARD/AMENDMENT

1a. AGREEMENT NO. EMW-2016-FO-02727	2. AMENDMENT NO. 0	3. RECIPIENT NO. 59-6000423	4. TYPE OF ACTION AWARD	5. CONTROL NO. WX01287N2017T
6. RECIPIENT NAME AND ADDRESS City of St. Pete Beach Fire Department 7301 Gulf Blvd St. Pete Beach Florida, 33706-1947	7. ISSUING OFFICE AND ADDRESS Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 POC: Marketa Walker	8. PAYMENT OFFICE AND ADDRESS FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20472		
9. NAME OF RECIPIENT PROJECT OFFICER Adam Poirrier	PHONE NO. 7273639207	10. NAME OF PROJECT COORDINATOR Catherine Patterson	PHONE NO. 1-866-274-0960	
11. EFFECTIVE DATE OF THIS ACTION 23-JUN-17	12. METHOD OF PAYMENT SF-270	13. ASSISTANCE ARRANGEMENT Cost Sharing	14. PERFORMANCE PERIOD From:23-JUN-17 To:22-JUN-18 Budget Period From:29-JAN-17 To:30-SEP-17	

15. DESCRIPTION OF ACTION

a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXX- XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMULATIVE NON- FEDERAL COMMITMENT
AFG	97.044	2017-F6-C111-P4310000- 4101-D	\$0.00	\$137,191.00	\$137,191.00	\$6,859.00
TOTALS			\$0.00	\$137,191.00	\$137,191.00	\$6,859.00

b. To describe changes other than funding data or financial changes, attach schedule and check here.
N/A16a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA
(See Block 7 for address)

Assistance to Firefighters Grant recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)
N/ADATE
N/A18. FEMA SIGNATORY OFFICIAL (Name and Title)
Marketa WalkerDATE
16-JUN-17



2016 Assistance to Firefighter Grant Awards

The United States Fire Administration (USFA) has reported that the following departments received Assistance to Firefighters Grant (AFG) Awards for 2016. One of the requirements placed upon grantees under this award is that recipients “agree to provide information, through established reporting channels, to the USFA’s National Fire Incident Reporting System (NFIRS) for the period covered by the assistance if the grantee is a fire department. In Florida, the established reporting channel would be through the Florida Fire Incident Reporting System (FFIRS) Section of the Division of State Fire Marshal (DSFM). Nonaffiliated EMS organizations do not have to comply with the NFIRS reporting requirement. If a fire department grantee does not currently participate in the incident reporting system and does not have the capacity to report at the time of the award, that grantee must agree to provide information to the NFIRS system for a twelve-month period commencing as soon as they develop the capacity to report. We expect non-reporting grantees to pursue the capacity to report

immediately after notification of an award, and for these non-reporting grantees to be actively reporting to NFIRS within the approved period of performance. AFG program grantees from previous years will not be allowed to closeout their grants until they demonstrate that they are complying with this requirement. Failure to closeout your previous years’ grants may affect the consideration of future awards. This requirement is included in the 2016 Program Guidance for the Assistance to Firefighters Grant program, as well as being included in the actual grant agreement. The award announcement dates for the 2016 recipients may be reviewed by entering the following link into your web browser: <https://www.fema.gov/assistance-firefighters-grants-award-year-2016>.

Please contact the FFIRS Section at (850) 413-3698 for assistance in helping your department comply with this reporting requirement.

Date	FDID#	Organization	City	Program	Activity Level
5/19/2017	51011	City of Bonifay	Bonifay	Operations and Safety	PPE (\$55,000)
5/19/2017	25022	City of Marianna, Fire Rescue	Marianna	Operations and Safety	E (\$39,750)
5/19/2017	67031	Hosford Fire Department	Hosford	Operations and Safety	E (\$35,177)
5/19/2017	03032	Plant City Fire Rescue	Plant City	Operations and Safety	MF (\$72,000)
5/26/2017	19182	Brevard County Board of County Comm D/B/A, Brevard County Fire Rescue	Rockledge	Operations and Safety	E (\$798,525)
5/26/2017	04082	City of Madeira Beach	Madeira Beach	Operations and Safety	PPE (\$42,055)
5/26/2017	19042	Palm Bay Fire Rescue	Palm Bay	Operations and Safety	MF (\$79,002)
6/02/2017	06301	Palm Beach County Fire Rescue	West Palm Beach	Operations and Safety	F (\$29,120)
6/02/2017	04112	St. Petersburg Fire & Rescue	St. Petersburg	Operations and Safety	WFP (\$347,920)
6/23/2017	01042	City of Miami Department of Fire Rescue	Davie	Operations and Safety	WFP (\$107,240)
6/23/2017	-	Holdingford Volunteer Fire Department	Tallahassee	Operations and Safety	MF (\$471,906)
6/23/2017	-	Plainfield Township Volunteer Fire Department	Miami	Operations and Safety	E (\$236,600), T (100,150)
6/30/2017	15052	City of Bradenton Fire Department	Bradenton	Operations and Safety	E (\$42,504)

Date	FDID#	Organization	City	Program	Activity Level
6/30/2017	10151	City of Coral Spring Fire Department	Coral Spring	Operations and Safety	WFP (\$16,065)
6/30/2017	04122	City of St. Pete Beach Fire Department	St. Pete Beach	Operations and Safety	PPE (\$144,050)
6/30/2017	10172	Pompano Beach Fire Rescue	Pompano Beach	Operations and Safety	E (200,708)
6/30/2017	66521	St. Joseph Fire Control District	Port St. Joe	Operations and Safety	E (\$60,000)
6/30/2017	10162	Sunrise Fire Rescue	Sunrise	Regional Request	E (\$794,500)
6/30/2017	06272	West Palm Beach Fire Rescue	West Palm Beach	Operations and Safety	T (\$102,900)
7/21/2017	25022	City of Marianna Fire Rescue	Marianna	Vehicle Acquisition	VA (\$725,000)
7/2/2017	01032	Miami-Dade Fire Rescue	Miami-Dade	Operations and Safety	T (\$84,310)

Activity Levels:

E: Equipment **T:** Training **PPE:** Personal Protective Equipment
WFP: Wellness and Fitness Programs **MF:** Modify Facility

A total **468** fire departments throughout the State of Florida reported incidents to FFIRS for 2016, and of those departments, **21** received grants.



St. Pete Beach City Commission Agenda Report

Issue Considered: Evaluation process for selection of Concession facilities operator.

Date: March 27, 2018

Prepared By: Wayne Saunders, City Manager

Summary of Issue: The City issued a Request for Proposals (RFP) for the operation of the Upham Beach and Pass a Grille concession facilities. The RFPs are to be evaluated on experience and qualifications, scope of services and extent of business operations and proposed rent.

We propose and request Commission approval of the following evaluation process guidelines.

1. The evaluation committee shall first determine if submitted proposals are complete and meet the requirements of the RFP.
2. The evaluation committee shall review and discuss the responses and information included in the proposals and select no less than three determined to be the top three proposals.
3. The evaluation committee may, at their sole discretion, request additional information or clarification from any or all of the top three selected proposers and/or conduct interviews with the proposers.
4. The evaluation committee shall rank the top three and provide the ranking to the City Commission with a request to negotiate a lease agreement with the top ranked proposer.

Funding: N/A

Requested Motion: "I move to approve the evaluation process guidelines as presented."

Attachment: None

**Reviewed by the
City Manager:**

WS

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Appointments to Advisory Boards and Committees

Date: March 27, 2018

Prepared By: Rebecca C. Haynes, City Clerk

Through: Wayne Saunders, City Manager

Summary of Issue: In accordance with Section 22 of the City Charter, members of the advisory boards "...shall be appointed at the first regularly scheduled meeting following the general election."

The City was not required to conduct an election in 2018 due to the fact that there was no opposition in either District 1 or District 3. The incumbents are deemed to automatically retain their seats. Commissioner Finnerty and Vice Mayor Friszolowski are required to either appoint or re-appoint representatives to the following boards or committees: Beach Stewardship Committee, Board of Adjustment, Finance and Budget Review Committee, Historic Preservation Board, Library Advisory Committee, Planning Board and Recreation Advisory Committee.

Additional appointments/replacements may be made at any time.

I have attached the current list of appointees.

Funding: N/A

Requested Motion: N/A

Attachments: Advisory Board and Committee Members lists

Reviewed by *WS*
City Manager: -----

BEACH STEWARDSHIP COMMITTEE

CREATED: City Code, Article XI - Section 22-301 through 22-309

TERMS: To run concurrently with the term of office for the Commission Member who made the appointment

MEETS: Quarterly on the third Wednesday of the month

TIME: 9:00 A.M.

PLACE: Commission Chambers at City Hall, 155 Corey Avenue, St. Pete Beach, Florida

MICHAEL WELCH Appointed 3/17 Mayor Johnson Term Expires 3/20	3410 East Debazan Avenue mfw517@yahoo.com	542-2450 Cell
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JANET L. HARRIS Appointed 3/17 Commissioner Falkenstein Term Expires 3/19	550 72nd Ave. beachjanet174@gmail.com	902-9529 Cell
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LENNY STAMOS Appointed 3/16 Commissioner Finnerty Term Expires 3/18	2491 East Vina Del Mar lennyssurf@hotmail.com	360-3016 Home
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LYNDA LIND FONTANA Re-appointed 3/16 Vice Mayor Friszolowski Term Expires 3/18	5396 Gulf Blvd., #607 lyndalind@yahoo.com	623-0072 Home 656-2046 Cell
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DAN ROTHENBERGER Reappointed 3/17 Commissioner Pletcher Term Expires 3/19	423 Hermosita Dr. dan@workingtides.com	813-505-6255 Cell
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Updated: 5/12/17

BOARD OF ADJUSTMENT

CREATED: City Code, Article II - Section 22-31 through 22 - 40

TERMS: To run concurrently with the term of office for the Commission Member who made the appointment

MEETS: Last Wednesday of each month

TIME: 2:00 P.M.

PLACE: Commission Chambers at City Hall, 155 Corey Avenue, St. Pete Beach, FL

SANDIE LYMAN

Appointed 3/17

Mayor Johnson

Term Expires 3/20

810 59th Avenue

458-4058

360-7060

sandie7@verizon.net

DENISE CHASE

Appointed 10/17

Commissioner Finnerty

Term Expires 3/18

285 46th Avenue

344-9383 (Cell)

denise.e.chase@gmail.com

MICHAEL BOMAR

Re-appointed 3/17

Commissioner Falkenstein

Term Expires 3/19

6440 4TH Palm Point

639-2073

mbomar01@aol.com

PAUL SKIPPER, CHAIR

Re-Appointed 3/16

Vice Mayor Friszolowski

Term Expires 3/18

255 Corey Avenue

367-7008

paul@paulskipper.com
natvprop@aol.com

JAKE HOLEHOUSE

Appointed 9/17

Commissioner Pletcher

Term Expires 3/19

2850 Alton Drive

470-5177

jwhins@outlook.com

Updated: 10/26/2017

FINANCE & BUDGET REVIEW COMMITTEE

CREATED: City Code, Article III - Section 22-26 through 22-74

TERMS: To run concurrently with the term of office for the Commission Member who made the appointment

MEETS: Determined by City Manager or Administrative Services Director

TIME: Established by Board Members

PLACE: Commission Chambers at City Hall, 155 Corey Avenue, St. Pete Beach, Florida

REBECCA LYONS 417 41st Avenue 201-213-6573
Appointed 3/17
Mayor Johnson
Term Expires 3/20 rebec17058@aol.com

HAROLD HALE 7711 Coquina Way 289-9173
Appointed 8/16
Commissioner Finnerty
Term Expires 3/18 Hhale495@yahoo.com

JOHN SAMORAJCZYK 5414 Leilani Dr. 367-2166 Home
Re-appointed 3/17
Commissioner Falkenstein
Term Expires 3/19 jsamo@prodigy.net

JOANNE MELODAYO, VICE CHAIR 4151 Belle Vista Dr. 360-2627 Home
Re-appointed 3/16 686-5815 Cell
Vice Mayor Friszolowski
Term Expires 3/18 jomellow@aol.com

MARY HACKER, CHAIR 221 North Tessier Dr. 813-879-6683 Cell
Re-appointed 3/17
Commissioner Pletcher
Term Expires 3/19 mhacker1@tampabay.rr.com

Updated: 5/19/17

HISTORIC PRESERVATION BOARD

CREATED: City Code, Article VII - Section 22-206 through 22-213

TERMS: To run concurrently with the term of office for the Commission Member who made the appointment

MEETS: Monthly on the first Thursday

TIME: 3:30 p.m.

PLACE: Commission Chambers at City Hall, 155 Corey Avenue, St. Pete Beach, Florida

WILLIAM LOUGHERY Appointed 4/17 Mayor Johnson Term Expires 3/20	2405 Pass-A-Grille Way wloughery@gmail.com	460-7541 (Cell) 360-0342 (Home)
SEAN HURLEY Appointed 3/16 Commissioner Finnerty Term Expires 3/18	2506 Pass-A-Grille Way sean@hurley-associates.com	365-2107
HOLLY YOUNG Appointed 7/17 Commissioner Falkenstein Term Expires 3/19	P.O. Box 66186 St. Pete Beach, FL 33736 hollyyounghomes@gmail.com	417-7118
TOM DEYAMPERT Appointed 10/17 Vice Mayor Friszolowski Term Expires 3/18	510 7 th Avenue North tomdeyampert@gmail.com	367-1437 (Home) 420-2669 (Cell)
CHRIS MARONE Re-appointed 3/17 Commissioner Pletcher Term Expires 3/19	107 5 th Avenue cmarone@maronelaw.com	367-5356 (Home) 422-7363 (Cell)

Updated: 10/26/2017

LIBRARY ADVISORY COMMITTEE

CREATED: City Code Article V, Section 22-136 through 22-144

TERMS: To run concurrently with the term of office for the Commission Member who made the appointment

MEETS: Determined by Library Administrator or Administrative Services Director

TIME: 2:00 p.m.

PLACE: Commission Chambers at City Hall,
155 Corey Avenue, St. Pete Beach, FL

LANCE PETERSON Re-appointed 3/17 Mayor Johnson Term Expires 3/20	3919 Belle Vista Drive E. St. Pete Beach, FL lpeters7@tampabay.rr.com	360-6068 324-9758
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STEVE TRAIMAN, VICE CHAIR Appointed 3/16 Commissioner Finnerty Term Expires 3/18	420 64 TH Avenue #706 traimancreativecopy@gmail.com	360-1387
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JUDY COHAN, CHAIRWOMAN Re-appointed 3/17 Commissioner Falkenstein Term Expires 3/19	6600 Sunset Way, #216 afc529@yahoo.com judy.cohan@verizon.net	367-4407
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WENDY HOLMES Re-appointed 3/16 Vice Mayor Friszolowski Term Expires 3/18	215 43 rd Avenue St. Pete Beach, FL wphbcchb12@gmail.com	452-0160
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VACANT
Appointment to be made by
Commissioner Pletcher
Term Expires 3/19

Updated: 12/1/2017

PLANNING BOARD

CREATED: City Code, Article VIII, Section 22-241 through 22-248

TERMS: To run concurrently with the term of office for the Commission Member who made the appointment

MEETS: Third Monday of the month

TIME: 4:00 P.M.

PLACE: Commission Chamber at City Hall, 155 Corey Avenue, St. Pete Beach, Florida

TIFFANY SECKA, CHAIRWOMAN

Appointed 3/17
Mayor Johnson
Term Expires 3/20

450 82nd Avenue
St. Pete Beach, FL 33706

415-6007

tmsmarie@aol.com

DOUG IZZO

Appointed 6/17
Commissioner Finnerty
Term Expires 3/18

7050 Sunset Way, #33
St. Pete Beach, FL 33706

(941)626-2392

dougspb@gmail.com

JACK OHLHABER

Appointed 3/17
Commissioner Falkenstein
Term Expires 3/19

5810 Balao Way South
St. Pete Beach, FL 33706

360-5918 (H)
460-9753 (C)

johlhaber@gmail.com

MARVIN SHAVLAN

Appointed 11/16
Vice Mayor Friszolowski
Term Expires 3/18

5396 Gulf Blvd., #1108

439-6175

bonddiamonds@aol.com

KRISTIN BELL

Appointed 6/17
Commissioner Pletcher
Term Expires 3/19

3113 West Vina del Mar Blvd.
St. Pete Beach, FL 33706

434-8202

Kristin.bell@me.com

Updated 12/1/2017

RECREATION ADVISORY COMMITTEE

CREATED: City Code, Article IV, -Section 22-101 through 22-109

TERMS: To run concurrently with the term of office of the Commission Member who made the appointment

MEETS: Quarterly

TIME/PLACE: Commission Chamber at City Hall, 155 Corey Avenue, St. Pete Beach, Florida

YVETTE GAUGH 9371 Blind Pass Road 415-3170 Cell
Appointed 3/17
Mayor Johnson
Term Expires 3/20
ygaugh@gmail.com

MIKE FLANNERY 448 85th Avenue 360-8228 Cell
Appointed 9/17
Commissioner Finnerty
Term Expires 3/18
imflann@gmail.com

SCOTT SEUBERT 6477 1st Palm Point 367-6321 Home
Re-appointed 3/17
Commissioner Falkenstein
Term Expires 3/19
sseubert6321@yahoo.com

STEVE STEWART, CHAIR 250 Julia Circle S. 798-4077 Home
Appointed 3/16
Vice Mayor Friszolowski
Term Expires 3/18
a082964@allstate.com

DANIELLE MICKLITSCH 2373 West Vina Del Mar 727-415-8737
Re-appointed 3/17
Commissioner Pletcher
Term Expires 3/19
dmicklitsch@gmail.com

Updated: 1/22/2018

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Appointments to Outside Agencies and Organizations include: Barrier Islands Government Council (BIG C), Florida League of Cities (FLC), Pinellas Mayors' Council (PMC), Pinellas County Flood Insurance Coalition (PCFIC), Suncoast League of Cities (SLC) and the Tampa Bay Regional Planning Council (TBRPC)

Date: March 27, 2018

Prepared By: Rebecca C. Haynes, City Clerk

Through: Wayne Saunders, City Manager

Summary of Issue: Subsequent to each election, board appointments are reviewed and decided among Commissioners. The current representatives and organizations are:

BIG C:	Mayor Alan Johnson, Representative Commissioner Pletcher, Alternate
FLC:	Commissioner Finnerty, Representative Commissioner Pletcher, Alternate
PMC:	Mayor Alan Johnson, Representative Vice Mayor Friszolowski, Alternate
PCFIC:	Commissioner Pletcher, Representative Mayor Alan Johnson, Alternate
SLC:	Commissioner Finnerty, Representative Commissioner Pletcher, Alternate
TBRPC:	Vice Mayor Friszolowski, Representative Commissioner Falkenstein, Alternate

Funding: N/A

Requested Motion: "I move to approve board appointments as follows..."

Attachments: None

**Reviewed by
City Manager:** _____ *WS*

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance 2018-01. Final Reading and Public Hearing of an ordinance regarding amendments to the City of St. Pete Beach Flood Ordinance in an attempt to achieve a Class “5” Community Rating System (CRS).

Date: March 27, 2018

Prepared By: Bruce Cooper, Building Official/Floodplain Manager

Through: Wayne Saunders, City Manager

Summary of Issue At the City Commission meeting on January 9, 2018, Staff presented initiatives and potential amendments to the City’s current Flood Ordinance in an attempt to achieve a Class “5” Community Rating Service (CRS). Ordinance 2018-01 will provide the following amendments;

1. Increase the Base Flood Elevation from 1 foot to 2 feet (Freeboard); this excludes the Pass-A-Grille Overlay district and commercial districts.
2. Decreasing the substantial/improvement threshold from 50% to 49%.
3. Critical Facilities shall have a 3 foot Freeboard and no flood proofing.

The following initiatives will be implemented without the requirement of the ordinance amendment;

1. Hazard Disclosure by Realtors.
2. Enclosure Limit (Annual inspection of the lower level)
3. Participation in the Stakeholder Committee.

Staff has been advised by our CRS Specialist Heidi Liles the potential points for Critical Facilities restrictions could be 35. Staff still does not have a projection for the participation in the Stakeholder Committee but we have been advised not to count on many points. Without these points, we now have a potential of 2,523, just 23 points over the minimum for a Class “5”.

This ordinance was reviewed by the State of Florida Department of Emergency Management and there are minor “cleanup” changes contained within this ordinance.

The following amendments to the proposed Ordinance were made at the 1st public hearing:
P. 33 of 38, sect. R322.2.1, 2.b;
P. 34 of 38, sect. R322.3.2, 5. a;
P. 34 of 38, sect. R322.3.5.

Requested Motion: “I move to approve Ordinance 2018-01 on final reading (read title).”

Attachment: Ordinance 2018-01
Ordinance 2018-01 Underline/Strike Through
CRS Potential Points

**Reviewed by the
City Manager:** WS

ORDINANCE NO. 2018-01

AN ORDINANCE OF THE CITY OF ST. PETE BEACH FLORIDA AMENDING CHAPTER 98 OF THE CITY CODE TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO FORMAT EXISTING PROVISIONS TO BE CONSISTENT WITH THE FLORIDA BUILDING CODE; TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred 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 has identified special flood hazard areas within the boundaries of the City of St. Pete Beach, Florida and such areas may be subject 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, the City of St. Pete Beach, Florida was accepted for participation in the National Flood Insurance Program on May 22, 1970 and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the Florida Building Code; and

WHEREAS, Chapter 553, Florida Statutes, allows for local technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives;

WHEREAS, the City of St. Pete Beach is adopting a requirement to increase the minimum elevation requirement, to modify the ratio of improvements and repairs to market value in the definition of substantial damage and substantial improvement, to require declaration of land restriction (nonconversion agreement) for enclosures below elevated buildings, to clarify requirements for enclosed areas beneath elevated buildings, and to prohibit floodproofing for certain critical facilities, for buildings and structures in flood hazard areas for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida*

Building Code; and

WHEREAS, the City of St. Pete Beach has determined that it is in the public interest to adopt the proposed local technical amendments to the *Florida Building Code* and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 553.73(4), Florida Statutes.

WHEREAS, the City Commission has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the Florida Building Code.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The St. Pete Beach City Code is hereby amended to read as follows:

ARTICLE V

DIVISION 1. GENERALLY.

Sec. 98-120.1 Title. These regulations shall be known as the Floodplain Management Ordinance of the City of St. Pete Beach, Florida, hereinafter referred to as “this section.”

Sec. 98-120.2 Scopes. The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

Sec. 98-120.3 Intent and Purpose.

The purpose of this section and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary or prolonged disruption of commerce, access and public service

during times of flooding;

2. Require the use of appropriate practices, at the time of initial construction, in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize future flood blight areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events;
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22;
9. Protect human life and health;
10. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
11. Ensure that property owners are notified yearly the property is in a flood prone area;
12. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities; and
13. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Sec. 98-120.4 Findings of fact.

1. The flood hazard areas of the City are subject to periodic inundation which results in loss of life; loss of property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditure for flood protection and relief; and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands, which are inadequately elevated, flood proofed or otherwise protected

from flood damage.

Sec. 98-120.5. Coordination with the Florida Building Code. This section is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

Sec. 98-120.6. Warning. The degree of flood protection required by this section and the Florida Building Code is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps (FIRM) and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency (FEMA), requiring the City to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

Sec. 98-120.7. Disclaimer of Liability. This section shall not create liability on the part of the City, its officers, agents, elected or appointed officials or employees thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.

DIVISION 2. APPLICABILITY.

Sec. 98-121.1 Conflict. Where there is a conflict between a general requirement and a specific requirement in this section, the specific requirement shall be applicable. Where the requirements of this section and another law, code or regulation conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 98-121.2. Areas to which this section applies. This section shall apply to all flood hazard areas within the City as established in Sec. 98-121.3

Sec. 98-121.3. Basis for establishing flood hazard areas. The Flood Insurance Study for Pinellas County, Florida and Incorporated Areas dated August 18, 2009, and all subsequent amendments and revisions, and the accompanying FIRMs, and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Community Development Department, Building Division, 155 Corey Ave, St Pete Beach, Florida 33706

Sec. 98-121.4. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Sec.98-124 the Floodplain Administrator may require submission of additional data. Where field surveyed topography

prepared by a Florida licensed professional surveyor or digital topography accepted by the City indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the Florida Building Code.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the owner or owner's authorized agent (hereinafter "applicant") obtains a Letter of Map Change that removes the area from the special flood hazard area.

Sec. 98-121.5. Other laws. The provisions of this section shall not be deemed to nullify any provisions of state or federal law.

Sec. 98-121.6. Abrogation. This section supersedes any ordinance or City Code in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances or City Codes including but not limited to land development regulations, zoning ordinances, storm water management regulations, or the Florida Building Code. This section shall not repeal, abrogate, or impair any existing deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this section.

Sec. 98-121 7. Interpretation. In the interpretation and application of this section, all requirements shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the City; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

DIVISION 3. ADMINISTRATION.

Sec.98-122.1. Designation. The Building Official is designated as the Floodplain Administrator for the purposes of this section. The Floodplain Administrator may delegate the performance of certain duties to other employees.

Sec.98-122.2. General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this section. The Floodplain Administrator shall have the authority to render interpretations of this section consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this section without the granting of a variance pursuant to Section 98-126.

Sec.98-122.3. Applications and permits. The duties of the Floodplain Administrator shall include, but not be limited to:

1. Review all applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review all applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries and a person contesting the determination shall have the opportunity to appeal the interpretation;
4. When interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation;
5. Provide available flood elevation and flood hazard information;
6. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
7. Review all applications to determine whether proposed development will be reasonably safe from flooding;
8. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance;
9. Coordinate with and provide comments to the Building Department employees to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section;
10. Review all applications for permits to ensure that the permit requirements of this section have been satisfied;
11. Advise applicant that additional federal and state permits may be required and ensure that all required state and federal permits have been received. The Floodplain Administrator shall require that copies of such permits be provided and maintained on file with the City permit.

Sec.98-122.4 Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:

1. Require the applicant to obtain an appraisal of the current market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section is required.

For the purpose of making this determination, the cost to perform the improvements and the cost to perform the repairs shall not be cumulative from project to project. Costs of improvements and costs of repairs shall include all costs attributed to a project and shall be determined:

1. By submission of a detailed cost estimate by a licensed contractor, provided such estimate includes all work required to complete the work described in the permit application;
2. By submission of a summation of the prevailing market cost for all materials and labor including all expenses normally charged or incurred if the work were performed by a contractor (e.g., construction supervision and management, insurance, overhead and profit, demolition, etc.); or
3. By the Floodplain Administrator if the applicant's submission and supporting data do not, in the opinion of the Floodplain Administrator, reasonably reflect the actual project cost; alternatively, the Floodplain Administrator may require submission of another estimate. If determined by the Floodplain Administrator, the Floodplain Administrator may use (a) the most recent (at the start of construction) square foot valuation data for this area published by the International Code Council; (b) an estimated cost using current prices provided by Marshall and Swift; or (c) the replacement cost less the depreciation costs (at the start of construction) identified in a certified appraisal less than 12 months old.

Sec.98-122.5 Modifications of the strict application of the requirements of the Florida Building Code. The Floodplain Administrator shall review requests that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 98-126.

Sec.98-122.6. Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

Sec.98-122.7. Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 98-125 for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

Sec.98-122.8. Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Sec. 98-122.4
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to FEMA and ensure that the entity responsible for maintenance within the altered or relocated portion of said watercourse is identified so that the flood-carrying capacity is not diminished;
3. Inform an applicant that if the watercourse being altered or relocated is noted as a water/drainage feature on the City's Future Land Use Map, any change to the watercourse would require a Comprehensive Plan amendment to change the map, subject to agency and local government review including the Departments of Economic Opportunity, Environmental Protection, State, Transportation, Tampa Bay Regional Planning Council and Pinellas County;
4. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the FIRMs if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations. Such submissions shall be made within six (6) months of such data becoming available;
5. Review required design certifications and documentation of elevations specified by this section and the Florida Building Code to determine that such certifications and documentations are complete; and
6. Notify FEMA when the corporate boundaries of the City are modified.

Sec.98-122.9. Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the Florida

Building Code, including FIRMs; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, in addition to documentation kept by the Zoning Official, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Community Development Department, Building Division, 155 Corey Ave, St Pete Beach, Florida 33706.

DIVISION 4. PERMITS.

Sec.98-123.1. Permits required. Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable City, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the City does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Sec.98-123.2. Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this section for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

Sec.98-123.3. Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this section:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in section 604.50, Florida Statutes.
3. Temporary buildings or sheds used exclusively for construction purposes.

4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in section 366.02, Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in section 553.73(10)(k), Florida Statutes, are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

Sec.98-123.4. Permit Procedures. To obtain a permit or approval the applicant shall first file an application with the Floodplain Administrator in writing on a form furnished by the City with any required fee prior to the start of development. The information provided shall include, but shall not be limited to, the following:

1. Identify and describe the development to be covered by the permit or approval;
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site;
3. Indicate the use and occupancy for which the proposed development is intended;
4. Be accompanied by a site plan or construction documents as specified in Section 98-124 of this section;
5. The plans or construction documents must be in duplicate and drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structure, fill, storage of materials, drainage facilities and their location;
6. State the valuation of the proposed work;
7. Evidence that the proposed development will fully comply with all the provisions of this section;
8. Base flood elevation data for subdivision proposals and other proposed development which is greater than 50 lots or five acres, whichever is less;

9. Be signed by the applicant or the applicant's authorized agent;
10. Give such other data and information as required by the Floodplain Administrator.

Sec.98-123.5. Validity of permit or approval. The issuance of a permit pursuant to this section shall not be construed to be a permit for, or approval of, any violation of this section, the Florida Building Code, or any other ordinance or City Code. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

Sec.98-123.6. Issuance of permit. The Floodplain Administrator shall issue a permit if the application fully complies with the provisions of this section, and shall deny the application and refuse to issue a permit if the application does not fully comply with the provisions of this section.

Sec.98-123.7. Expiration. A permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

Sec.98-123.8. Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a permit if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this section or any other City, state or federal ordinance, regulation or requirement.

Sec.98-123.9. Other permits required. Permits shall include a condition that all other applicable City, state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The Southwest Florida Water Management District; section 373.036, Florida Statutes.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, Florida Statutes and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, Florida Statutes.
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, Florida Statutes.

5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

Sec.98-123.10. Certificate of Occupancy. Prior to a Certificate of Occupancy being issued, the following must be submitted and approved by the Floodplain Administrator:

1. Declaration of Land Restriction (Nonconversion Agreement).
2. As-Built survey by a registered Land Surveyor.

DIVISION 5. SITE PLANS AND CONSTRUCTION DOCUMENTS.

Sec.98-124.1. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the FIS, they shall be established in accordance with Sec. 98-124.2 (2) or (3).
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the FIS, such elevations shall be established in accordance with 98-124. 2 (1).
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Existing and proposed alignment of any proposed alteration of a watercourse.
8. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.

9. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a licensed professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

Sec.98-124.2. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Sec.98-124.3. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed professional engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where

the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Sec 98-124.4 and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the FIS or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Sec 98-124.4.

Sec.98-124.4. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

DIVISION 6. INSPECTIONS.

Sec.98-125.1. General. Development for which a permit is required shall be subject to inspection.

Sec.98-125.2. Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this section and the conditions of issued permits.

Sec.98-125.3. Buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this section and the conditions of issued permits.

Sec.98-125.4. Buildings, structures and facilities exempt from the Florida Building Code,

lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Sec. 98-124.2 (3)(b), the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

Sec.98-125.5. Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Sec. 98-125.4.

DIVISION 7. APPEALS AND VARIANCES.

Sec.98-126.1. General. Requests for variances from the strict application of this section are limited to functionally dependent uses and historic structures. The City Commission shall hear and decide on requests for variances for functionally dependent uses as defined in this section. The Historic Preservation Board (herein "Board") shall hear and decide on requests for variances for historic structures as designated by Division 28, Land Development Code. Pursuant to section 553.73(5), Florida Statutes, the City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

Sec.98-126.2. Appeals. The City Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Board or City Commission may appeal such decision to the Circuit Court, as provided by Florida Statutes. The Floodplain Administrator shall maintain the records of all appeals, both granted and denied and report any variances to FEMA as requested.

Sec.98-126.3. Limitations on authority to grant variances. Both the City Commission and/or Board may authorize variances from the provisions of this section after receipt of an application which provides all relevant information required by the. Floodplain Administrator Both the City Commission and/or Board shall base its decisions on variances on technical justifications, the considerations for issuance in Sec.98-126.7, and the conditions of issuance, all of which are contained in Sec.98-126.8., and the comments and recommendations of the, Floodplain Administrator including those based upon the Florida Building Code. Both the City Commission

and Board have the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.

Sec.98-126.4. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 98-124.3.

Sec.98-126.5. Historic buildings. A variance is authorized to be issued for the repair, improvement, reconstruction, restoration or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12, upon a determination that the proposed repair, improvement, reconstruction, restoration or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, reconstruction, restoration and rehabilitation shall be subject to the requirements of the Florida Building Code. Historic properties may be required to obtain a certificate of appropriateness pursuant to the City Code.

Sec.98-126.6. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this section, provided the variance meets the requirements of Sec. 98-126.4, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

Sec.98-126.7. Considerations for issuance of variances. In reviewing requests for variances, the Board or City Commission shall consider all technical evaluations, all other applicable provisions of the Florida Building Code, this section, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future individual owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion for the proposed use;
6. The compatibility of the proposed use with existing and anticipated development;
7. The relationship of the proposed use to the Comprehensive Plan, the FIS for the area and this section;

8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
10. 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, streets and bridges;
11. The necessity to the development of a waterfront location; and
12. Economic hardship and self-created hardship are not relevant factors and shall not be considered as reasons to grant a variance.

Sec.98-126.8. Conditions for issuance of variances. After consideration of the factors listed above and the purposes of this section variances shall be granted by the Board or City Commission only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the required elevation standards;
2. Determination by the Board or City Commission that:
 - a. Failure to grant the variance would result in exceptional hardship, based on the considerations set forth for issuance of a variance, due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship; and
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief; and
 - d. The variance receives the affirmative vote of at least a majority of the Board or City Commission; and
 - e. No variance shall be granted for development which was constructed without a permit, or beyond the scope of a permit, unless it meets the considerations set forth for the issuance of a variance and receives the affirmative vote of a super-majority of the Board or City Commission.
3. No variance, if granted, shall be effective until a copy of the variance with the name of the owner and the legal description of the property is recorded in the Office of the Clerk of the Court so that it appears in the chain of title of the affected parcel of land; and

4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the base flood elevation increases risks to life and property. The application shall provide notice to, and each application shall acknowledge that, the granting of a variance will result in increased premium rates for flood insurance (in some cases amounts as high as \$25 for \$100 of insurance coverage or increases of 100% or greater) and construction pursuant to the variance increases risks to life and property.

DIVISION 8. VIOLATIONS.

Sec.98-127.1. Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this section, shall be deemed a violation of this section. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

Sec.98-127.1.2. Declaration of violation.

1. Where a violation of this section has been found to exist by:
 - a. A court of competent jurisdiction;
 - b. The Special Magistrate;
 - c. The written admission of a property owner, or
 - d. The City Commission.

The violation has not been corrected, the City Commission may declare the property to be in violation of this section and forward the declaration to FEMA. The issuance of the declaration may cause the property to be denied flood insurance and no permits will be issued for any improvements to the property except permits for the maintenance of structures existing at the time the declaration is made and permits for the removal of violations of this section.

2. The declaration shall be approved by resolution of the City Commission and should meet the requirements of section 1316 of the National Flood Insurance Act of 1968 as implemented by part 73 of 44 CFR and any other applicable law. The

declaration shall be recorded in the public records. The owner/occupant shall be required to obtain a new certificate of occupancy stating the existence of a compliant structure from the Floodplain Administrator to ensure compliance. The declaration may be rescinded by resolution of the City Commission, provided that the resolution meets the requirements of section 1316 of the National Flood Insurance Act.

3. Structures existing on the property at the time a declaration is approved by City Commission shall not be, in addition, cited for violating the requirements of this section. Violations of the City Code, not including violations of this section, which exist on the date of the declaration, may be cited.
4. Any violation existing on the date of the declaration for which no building permit was issued which does not meet the requirements of the Florida Building Code (except the provisions of this section) shall be removed. Any violation which is required to obtain a building permit to correct shall be removed (except the provisions of this section).
5. The Floodplain Administrator may require such documents and certificates and perform such inspections as are reasonably necessary prior to issuing a certificate of occupancy.
6. Any work done after the date of the declaration is a violation of this section, may be cited for violating this section, and shall be removed. No variances to this subsection shall be granted.

Sec.98-127.1.3. Authority. For development that is not within the scope of the Florida Building Code but that is regulated by this section and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

Sec.98-127.1.4. Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

DIVISION 9. DEFINITIONS.

Sec.98-128.1. Scope. Unless otherwise expressly stated, the following words and terms shall have the meanings shown in this section.

Sec.98-128.2. Terms defined in the Florida Building Code. Where terms are not defined in this section or the City Code and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in the Florida Building Code.

Sec.98-128.3. Terms not defined. Where terms are not defined in this section, the City Code, or the Florida Building Code, such terms shall have the ordinarily accepted meanings such as the context implies.

Sec.98-128.4. Definitions.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

ASCE 24 means a standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood means a flood having a 1-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the FIRM.

Basement means the portion of a building having its floor subgrade (below ground level) on all sides.

Building means any structure consisting of walls and a roof, built of permanent construction that is impervious to the elements, and built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Coastal construction control line means the line established by the State of Florida pursuant to section 161.053, Florida Statutes, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high

velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as “high hazard areas subject to high velocity wave action” or “V Zones” and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Critical facility: A structure or other improvement that, because of its function, size, service area, or uniqueness, has the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities if it is destroyed or damaged or if its functionality is impaired . Critical facilities include health and safety facilities, utilities, government facilities such as police and fire stations, and hazardous materials facilities.

Declaration of Land Restriction (Non-conversion Agreement). A form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings.

Design flood means the flood associated with the greater of the following two areas:

1. Area with a floodplain subject to a 1percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the City’s flood hazard map, or otherwise legally designated.

Design flood elevation means the elevation of the “design flood,” including wave height, relative to the datum specified on the City’s legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building’s perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet.

Development means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, and mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and **existing structure** means any buildings and structures for which the “start of construction” commenced before May 22, 1970.

Federal Emergency Management Agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Fill means any material (usually soil, dirt, sand or similar non-biodegradable material) used to elevate the grade of property to a level higher than the grade of the property as it existed prior to the start of construction.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood hazard area means the greater of the following two areas:

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the City's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM) means the official map of the City on which FEMA has delineated both special flood hazard areas and the risk premium zones applicable to the City.

Flood Insurance Study (FIS) means the official report provided by FEMA that contains the FIRM, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

Floodplain development permit or approval means an official document or certificate issued by the City, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

Floodway or regulatory floodway means the channel of a river or other riverine 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.

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a Florida licensed professional engineer using

standard engineering methods and models.

Florida Building Code means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent facility (use) means a facility (use) which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure means any structure that is:

1. Determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings;
2. Listed individually on 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; or
3. 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.

Letter of Map Change (LOMC) means an official determination issued by FEMA that amends or revises an effective FIRM or FIS. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective FIRM and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore,

no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with this section. .

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective FIRM or FIS; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited 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 on-elevation requirements of the Florida Building Code or ASCE 24.

Mangrove stand means an assemblage of trees which are 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 germinans*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*); and, buttonwood (*Conocarpus erecta*).

Market value means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

National Geodetic Vertical Datum (NGVD) means the vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means for the purposes of administration of this section and the flood resistant construction requirements of the Florida Building Code, structures for which the “start of construction” commenced on or after July 25, 1972 and includes any subsequent improvements to such structures.

Project means any work done for which a permit is required during the time period from when the work begins until the permit is closed and shall include all work and permits necessary to make a structure safe to be occupied. A permit may be closed by issuance of a certificate of occupancy or an approved final inspection.

Special flood hazard area means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

Standard single exterior door means a movable barrier used to seal or close-off entry to a building which is constructed of wood, metal or glass, not more than thirty-six (36) inches wide and that swings on hinges.

Standard double exterior door means a movable barrier used to seal or close-off entry to a building which is constructed of wood, metal or glass, not more than seventy-six (76) inches wide and that swings on hinges.

Start of construction means the date the building permit was issued, for either new construction or substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement occurred within 180 days of the date of the permit was issued. The actual start of construction means either the first placement of permanent construction of a building on a site, such as the pouring of slab or footings, the installation of piles, the 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, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. 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.

Substantial damage means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would be equal to or exceed 50 percent of the market value of the building or structure before the damage occurred.

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 49 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance means a grant of relief from the requirements of this section, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this section or the Florida Building Code.

Watercourse means a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

DIVISION 10. BUILDINGS AND STRUCTURES.

Sec.98-129.1. Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Sec.98-123.3., buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Sec.98-133.

Sec.98-129.2 Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 or Section 1612, or Florida Building Code, Residential Section R322, as applicable.
2. Minor structures and non-habitable major structures as defined in section 161.54, Florida Statutes, shall be designed and constructed to comply with the intent and applicable provisions of this section and ASCE 24.

DIVISION 11. SUBDIVISIONS.

Sec.98-130.1. Minimum requirements. Subdivision proposals, including proposals for

manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage;
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec.98-130.2. Subdivision plats. Where any portion of proposed subdivisions lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats; and
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 98-124.2.(1) of this ordinance; and
3. Compliance with the site improvement and utilities requirements of Division 12 of this ordinance.

DIVISION 12. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS.

Sec.98-131.1. Minimum requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. In coastal high hazard areas (Zone V), buildings and structures are located a minimum of ten (10) feet landward of the reach of mean high tide;
3. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
4. Adequate drainage is provided to reduce exposure to flood hazards.

Sec.98-131.1.1. Use of structural and nonstructural fill in flood hazard areas (Zones AE) In flood hazard areas other than coastal high hazard areas (Zone V), the use of fill is prohibited except for stem wall construction. Minor amounts of fill shall be allowed to:

1. The purpose of the fill is to provide adequate lot grading for drainage;

2. The use of fill will not create any additional storm water runoff onto abutting property;
3. Proper swales are provided along all abutting properties;
4. The fill is used for landscaping, sidewalks and driveways;
5. In the absence of proper swales, concrete wall at least 8 inches high is provided; and
6. If all roofs adjacent to abutting properties shall have gutters with all roof surface water directed away from abutting properties.

Exception:

The use of structural fill is permitted in the following districts:

CC-1 Commercial District, CC-2 Commercial District, TC-1 Town Center Core District, TC-2 Town Center Corey Circle and Coquina West Districts, Traditional Hotel District THD, CC1 Commercial Corridor Blind Pass Road District, CC2 Commercial Corridor Gulf Blvd. District, (LR) Large Resort, AC Activity Center District, PAG Pass-A-Grille Overlay District and B/HC Boutique Hotel/Condo District.

Sec.98-131.1.2. Use of nonstructural fills in coastal high hazard areas (Zone V). In coastal high hazard areas (Zone V), limited non-compacted 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 obstructions) prior to generating excessive loading forces, ramping effects or wave deflection. The Floodplain Administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect and/or soil scientist, along with the any supporting data required by the Floodplain Administrator, which demonstrates that the following factors have been fully considered:

1. Particle composition of fill material does not have a tendency for excessive material compaction;
2. Volume and distribution of fill will not cause wave deflection to adjacent properties;
3. Slope of fill will not cause wave run up or ramping; and
4. The use of fill shall not create any additional storm water runoff onto abutting property.

Sec.98-131.2. Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

Sec.98-131.3. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

Sec.98-131.4. Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Sec. 98-124.3(1) demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

Sec.98-131.5 Limitations on placement of fill. Subject to the limitations of this section, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour.

Sec.98-131.6. Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Sec. 98-124.3(4) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Sec. 98-133.8 (3).

DIVISION 13. TANKS.

Sec.98-132.1. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

Sec.98-132.2. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Sec. 98-132.3. shall:

1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
2. Not be permitted in coastal high hazard areas (Zone V).

Sec.98-132.3. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

Sec.98-132.4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

DIVISION 14. OTHER DEVELOPMENT.

Sec.98.133.1. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this section or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the requirements of Sec. 98-131.4 if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE-24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of Florida Building Code for wet locations.

Sec.98.133.2. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Sec. 98.131.4.

Sec.98.133.3. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the requirements of Sec. 98-131.4.

Sec.98.133.4. Roads and watercourse crossings in regulated floodways. Roads and

watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Sec. 98-131.4. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Sec. 98-124.3(3).

Sec.98.133.5. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure;
2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
3. Have a maximum slab thickness of not more than four (4) inches.

Sec.98.133.6. Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion

of floodwaters or wave run-up and wave reflection.

Sec.98.133.7. Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

Sec.98.133.8. Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.
3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run-up and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 2. Article II Technical Codes of Chapter 98 Buildings and Building Regulations of the St. Pete Beach Code of Ordinances are hereby amended as follows.

Sec. 98-33. - Florida Building Code, residential; amendments.

The residential code, as adopted in section 98-26 is modified or amended as follows:

Section R322.2.1 Elevation requirements .

1. Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 2 foot, or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.

Exceptions:

- a. Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.
- b. New buildings and structures subject to R322.2.1 (1) located in CC-1 Commercial District, CC-2 Commercial District, TC-1 Town Center Core District, TC-2 Town Center Corey Circle and Coquina West Districts, Traditional Hotel District THD, CC1 Commercial Corridor Blind Pass Road District, CC2 Commercial Corridor Gulf Blvd. District, (LR) Large Resort, AC Activity Center District, PAG Pass-A-Grille Overlay District including CRD/EA Community Redevelopment District – Eight Ave and B/HC Boutique Hotel/Condo District zoning districts shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.
- c. When an existing building or structure complies with the elevation requirements in effect at the time such building was permitted, any subsequent substantial improvement of or addition to such building shall not require elevation higher than the current effective base flood elevation plus 1 foot.

R322.2.2 Enclosed area below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

Remainder unchanged

Section R322.3.2 as follows:

R322.3.2 Elevation requirements.

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 2 feet or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

Exceptions:

- a. New buildings and structures subject to R322.3.2 (1) located in CC-1 Commercial District, CC-2 Commercial District, TC-1 Town Center Core District, TC-2 Town Center Corey Circle and Coquina West Districts, Traditional Hotel District THD, CC1 Commercial Corridor Blind Pass Road District, CC2 Commercial Corridor Gulf Blvd. District, (LR) Large Resort, AC Activity Center District, PAG Pass-A-Grille Overlay District including CRD/EA Community Redevelopment District – Eight Ave and B/HC Boutique Hotel/Condo District zoning districts, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot (305 mm) or the design flood elevation, whichever is higher.
- b. When an existing building or structure complies with the elevation requirements in effect at the time such building was permitted, any subsequent substantial improvement of or addition to such building shall not require elevation higher than the current effective base flood elevation plus 1 foot.

Section R322.3.5 Enclosed areas below the design flood elevation. Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators. The limitation on partitions does not apply to crawlspace foundations. Storage shall be limited to items which otherwise would be stored outside a building or items normally used outside (e.g., grill, lawn mower, folding chairs, etc.). All utilities such as electrical, heating, plumbing, and air conditioning equipment and other services facilities (including ductwork) must be elevated or floodproofed to the required elevation.

Secs. 98-34. - Florida Building Code, building; amendments.

[The building code, as adopted in section 98-26 is modified or amended as follows:]

Modify Sec. 107.3.5 as follows:

107.3.5 Minimum plan review criteria for buildings.

Commercial Buildings: Building

8. Structural requirements shall include:

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), flood damage-resistant materials.

Residential (one- and two-family)

6. Structural requirements shall include:

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), equipment, and flood damage-resistant materials.

Modify Sec. 202 Definitions as follows:

[BS] SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 49 percent of the market value of the structure before the damage occurred.

[BS] SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, the cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Modify Sec. 1612.4 as follows:

1612.4.2 Modification of ASCE 24, critical facilities. ASCE 24 requirements for critical facilities, as defined in Section 98-128.4 of the St. Pete Beach City Code, shall be modified as follows:

1. Critical facilities shall be elevated to or above the base flood elevation plus 3 feet or the 500-year flood elevation, whichever is higher
2. Critical facilities shall not be dry floodproofed.

1612.4.3 Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 2 feet (610 mm), whichever is higher.

Secs. 98-35. - Florida Building Code, existing building; amendments.

[The existing building code, as adopted in section 98-26 is modified or amended as follows:]

Modify Sec. 202 Definitions as follows:

[BS] SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 49 percent of the market value of the structure before the damage occurred.

[BS] SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, the cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SECTION 3. FISCAL IMPACT STATEMENT. In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 4. SEVERABILITY. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the City Commission of the City of St. Pete Beach, Florida.

SECTION 6. APPLICABILITY. For the purposes of jurisdictional applicability, this

ordinance shall apply in the City of St. Pete Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 7. INCLUSION INTO THE CODE OF ORDINANCES. It is the intent of the City Commission that the provisions of this ordinance shall become and be made a part of St. Pete Beach's Code of Ordinances, and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Alan Johnson, Mayor

First Reading:
Published:
Final Reading:
Public Hearing:

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing ordinance was duly adopted in accordance with the provisions of applicable law this day of 2018.

Rebecca C. Haynes, City Clerk

APPROVED AS TO FORM AND LEGAL CORRECTNESS:

Andrew Dickman, City Attorney

ORDINANCE NO. 2018-01

AN ORDINANCE OF THE CITY OF ST. PETE BEACH FLORIDA AMENDING CHAPTER 98 OF THE CITY CODE TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO FORMAT EXISTING PROVISIONS TO BE CONSISTENT WITH THE FLORIDA BUILDING CODE; TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred 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 has identified special flood hazard areas within the boundaries of the City of St. Pete Beach, Florida and such areas may be subject 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, the City of St. Pete Beach, Florida was accepted for participation in the National Flood Insurance Program on May 22, 1970 and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the Florida Building Code; and

WHEREAS, Chapter 553, Florida Statutes, allows for local technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives;

WHEREAS, the City of St. Pete Beach is adopting a requirement to increase the minimum elevation requirement, to modify the ratio of improvements and repairs to market value in the definition of substantial damage and substantial improvement, to require declaration of land restriction (nonconversion agreement) for enclosures below elevated buildings, to clarify requirements for enclosed areas beneath elevated buildings, and to prohibit floodproofing for certain critical facilities, for buildings and structures in flood hazard areas for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida*

Building Code; and

WHEREAS, the City of St. Pete Beach has determined that it is in the public interest to adopt the proposed local technical amendments to the *Florida Building Code* and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 553.73(4), Florida Statutes.

WHEREAS, the City Commission has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the Florida Building Code.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The St. Pete Beach City Code is hereby amended to read as follows:

ARTICLE V

~~Sec 98-120.1~~ DIVISION 1. GENERALLY.

Sec. 98-120.1 Title. These regulations shall be known as the Floodplain Management Ordinance of the City of St. ~~Petersburg~~ Pete Beach, Florida, hereinafter referred to as “this section.”

Sec. 98-120.2 Scopes. The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

Sec. 98-120.3 Intent and Purpose.

The purpose of this section and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary or prolonged disruption of commerce, access and public service

during times of flooding;

2. Require the use of appropriate practices, at the time of initial construction, in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize future flood blight areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events;
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22;
9. Protect human life and health;
10. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
11. Ensure that property owners are notified yearly the property is in a flood prone area;
12. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities; and
13. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Sec. 98-120.4 Findings of fact.

1. The flood hazard areas of the City are subject to periodic inundation which results in loss of life; loss of property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditure for flood protection and relief; and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to other lands, which are inadequately elevated, flood proofed or otherwise protected

from flood damage.

Sec. 98-120.5. Coordination with the Florida Building Code. This section is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

Sec. 98-120.6. Warning. The degree of flood protection required by this section and the Florida Building Code is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps (FIRM) and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency (FEMA), requiring the City to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

Sec. 98-120.7. Disclaimer of Liability. This section shall not create liability on the part of the City, its officers, agents, elected or appointed officials or employees thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.

~~Sec. 98-121~~ DIVISION 2. APPLICABILITY.

Sec. 98-121.1 Conflict. Where there is a conflict between a general requirement and a specific requirement in this section, the specific requirement shall be applicable. Where the requirements of this section and another law, code or regulation conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 98-121.2. Areas to which this section applies. This section shall apply to all flood hazard areas within the City as established in Sec. 98-121.3

Sec. 98-121.3. Basis for establishing flood hazard areas. The Flood Insurance Study for Pinellas County, Florida and Incorporated Areas dated August 18, 2009, and all subsequent amendments and revisions, and the accompanying FIRMs, and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Community Development Department, Building Division, 155 Corey Ave, St Pete Beach, Florida 33706

Sec. 98-121.4. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Sec.98-124 the ~~Building Official~~ Floodplain Administrator may require submission of additional data. Where field surveyed

topography prepared by a Florida licensed professional surveyor or digital topography accepted by the City indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the Florida Building Code.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the owner or owner's authorized agent (hereinafter "applicant") obtains a Letter of Map Change that removes the area from the special flood hazard area.

Sec. 98-121.5. Other laws. The provisions of this section shall not be deemed to nullify any provisions of state or federal law.

Sec. 98-121.6. Abrogation. This section supersedes any ordinance or City Code in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances or City Codes including but not limited to land development regulations, zoning ordinances, storm water management regulations, or the Florida Building Code. This section shall not repeal, abrogate, or impair any existing deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this section.

Sec. 98-121 7. Interpretation. In the interpretation and application of this section, all requirements shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the City; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 98-122. DIVISION 3. ADMINISTRATION.

Sec.98-122.1. Designation. The Building Official is designated as the Floodplain Administrator for the purposes of this section. The ~~Building Official~~ Floodplain Administrator may delegate the performance of certain duties to other employees.

Sec.98-122.2. General. The ~~Building Official~~ Floodplain Administrator is authorized and directed to administer and enforce the provisions of this section. The ~~Building Official~~ Floodplain Administrator shall have the authority to render interpretations of this section consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this section without the granting of a variance pursuant to ~~this~~ Section 98-126.

Sec.98-122.3. Applications and permits. The duties of the ~~Building Official~~ Floodplain Administrator shall include, but not be limited to:

1. Review all applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review all applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries and a person contesting the determination shall have the opportunity to appeal the interpretation;
4. When interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the ~~Building Official~~ Floodplain Administrator shall make the necessary interpretation;
5. Provide available flood elevation and flood hazard information;
6. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
7. Review all applications to determine whether proposed development will be reasonably safe from flooding;
8. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance;
9. Coordinate with and provide comments to the Building Department employees to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section;
10. Review all applications for permits to ensure that the permit requirements of this section have been satisfied;
11. Advise applicant that additional federal and state permits may be required and ensure that all required state and federal permits have been received. The ~~Building Official~~ Floodplain Administrator shall require that copies of such permits be provided and maintained on file with the City permit.

Sec.98-122.4 Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the ~~Building Official~~ Floodplain Administrator shall:

1. Require the applicant to obtain an appraisal of the current market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section is required.

For the purpose of making this determination, the cost to perform the improvements and the cost to perform the repairs shall not be cumulative from project to project. Costs of improvements and costs of repairs shall include all costs attributed to a project and shall be determined:

1. By submission of a detailed cost estimate by a licensed contractor, provided such estimate includes all work required to complete the work described in the permit application;
2. By submission of a summation of the prevailing market cost for all materials and labor including all expenses normally charged or incurred if the work were performed by a contractor (e.g., construction supervision and management, insurance, overhead and profit, demolition, etc.); or
3. By the ~~Building Official~~ Floodplain Administrator if the applicant's submission and supporting data do not, in the opinion of the ~~Building Official~~ Floodplain Administrator, reasonably reflect the actual project cost; alternatively, the ~~Building Official~~ Floodplain Administrator may require submission of another estimate. If determined by the ~~Building Official~~ Floodplain Administrator, the ~~Building Official~~ Floodplain Administrator may use (a) the most recent (at the start of construction) square foot valuation data for this area published by the International Code Council; (b) an estimated cost using current prices provided by Marshall and Swift; or (b c) the replacement cost less the depreciation costs (at the start of construction) identified in a certified appraisal less than 12 months old.

Sec.98-122.5 Modifications of the strict application of the requirements of the Florida Building Code. The ~~Building Official~~ Floodplain Administrator shall review requests that seek approval to modify the strict application of the flood load and flood resistant construction

requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to ~~this s~~Section 98-126.

Sec.98-122.6. Notices and orders. The ~~Building Official~~ Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

Sec.98-122.7. Inspections. The ~~Building Official~~ Floodplain Administrator shall make the required inspections as specified in ~~this s~~Section 98-125 for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The ~~Building Official~~ Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

Sec.98-122.8 Other duties of the ~~Building Official~~ Floodplain Administrator. The ~~Building Official~~ Floodplain Administrator shall have other duties, including but not limited to:

1. Establish procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Sec. 98-122.4
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to FEMA and ensure that the entity responsible for maintenance within the altered or relocated portion of said watercourse is identified so that the flood-carrying capacity is not diminished;
3. Inform an applicant that if the watercourse being altered or relocated is noted as a water/drainage feature on the City's Future Land Use Map, any change to the watercourse would require a Comprehensive Plan amendment to change the map, subject to agency and local government review including the Departments of Economic Opportunity, Environmental Protection, State, Transportation, Tampa Bay Regional Planning Council and Pinellas County;
4. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the FIRMs if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations. Such submissions shall be made within six (6) months of such data becoming available;
5. Review required design certifications and documentation of elevations specified by this section and the Florida Building Code to determine that such certifications and documentations are complete; and
6. Notify FEMA when the corporate boundaries of the City are modified.

Sec.98-122.9 Floodplain management records. Regardless of any limitation on the period required for retention of public records, the ~~Building Official~~ Floodplain Administrator shall

maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the Florida Building Code, including FIRMs; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, in addition to documentation kept by the Zoning Official, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Community Development Department, Building Division, 155 Corey Ave, St Pete Beach, Florida 33706.

Sec. 98-123 DIVISION 4. PERMITS.

Sec.98-123.1. Permits required. Any applicant who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the ~~Building Official~~ Floodplain Administrator and shall obtain the required permit(s) and approval(s). Permits shall include a condition that all other applicable City, state or federal permits be obtained before commencement of the permitted development. Issuance of a permit by the City does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Sec.98-123.2. Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this section for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the ~~Building Official~~ Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

Sec.98-123.3. Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this section:

1. Railroads and ancillary facilities associated with the railroad.

2. Nonresidential farm buildings on farms, as provided in section 604.50, Florida Statutes.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in section 366.02, Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in section 553.73(10)(k), Florida Statutes, are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

Sec.98-123.4. Permit Procedures. To obtain a permit or approval the applicant shall first file an application with the ~~Building Official~~ Floodplain Administrator in writing on a form furnished by the City with any required fee prior to the start of development. The information provided shall include, but shall not be limited to, the following:

1. Identify and describe the development to be covered by the permit or approval;
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site;
3. Indicate the use and occupancy for which the proposed development is intended;
4. Be accompanied by a site plan or construction documents as specified in Section 98-124 of this section;
5. The plans or construction documents must be in duplicate and drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structure, fill, storage of materials, drainage facilities and their location;
6. State the valuation of the proposed work;
7. Evidence that the proposed development will fully comply with all the provisions

of this section;

8. Base flood elevation data for subdivision proposals and other proposed development which is greater than 50 lots or five acres, whichever is less;
9. Be signed by the applicant or the applicant's authorized agent;
10. Give such other data and information as required by the ~~Building Official~~ Floodplain Administrator.

Sec.98-123.5. Validity of permit or approval. The issuance of a permit pursuant to this section shall not be construed to be a permit for, or approval of, any violation of this section, the Florida Building Code, or any other ordinance or City Code. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the ~~Building Official~~ Floodplain Administrator from requiring the correction of errors and omissions.

Sec.98-123.6. Issuance of permit. The ~~Building Official~~ Floodplain Administrator shall issue a permit if the application fully complies with the provisions of this section, and shall deny the application and refuse to issue a permit if the application does not fully comply with the provisions of this section.

Sec.98-123.7. Expiration. A permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

Sec.98-123.8. Suspension or revocation. The ~~Building Official~~ Floodplain Administrator is authorized to suspend or revoke a permit if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this section or any other City, state or federal ordinance, regulation or requirement.

Sec.98-123.9. Other permits required. Permits shall include a condition that all other applicable City, state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The Southwest Florida Water Management District; section 373.036, Florida Statutes.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, Florida Statutes and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, Florida Statutes.

4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, Florida Statutes.
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

Sec.98-123.10. Certificate of Occupancy. Prior to a Certificate of Occupancy being issued, the following must be submitted and approved by the ~~Building Official~~ Floodplain Administrator:

- ~~1. Elevation Certificate.~~
- ~~2. (1).~~ Declaration of Land Restriction (Nonconversion Agreement).
- ~~3. Flood proof Certificate, if applicable.~~
- ~~4. V-Zone Certificate, if applicable.~~
- ~~5. (2).~~ As-Built survey by a registered Land Surveyor.

Sec. 98-124. DIVISION 5. SITE PLANS AND CONSTRUCTION DOCUMENTS.

Sec.98-124.1. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the FIS, they shall be established in accordance with Sec. 98-124.2 (2) or (3).
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the FIS, such elevations shall be established in accordance with ~~16.40.050.5.~~ 98-124. 2 (1).
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Existing and proposed alignment of any proposed alteration of a watercourse.
8. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
9. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

The ~~Building Official~~ Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a licensed professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

Sec.98-124.2. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the ~~Building Official~~ Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Sec.98-124.3. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed professional engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Sec 98-124.4 and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the FIS or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Sec 98-124.4.

Sec.98-124.4. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 98-125. DIVISION 6. INSPECTIONS.

Sec.98-125.1. General. Development for which a permit is required shall be subject to inspection.

Sec.98-125.2. Development other than buildings and structures. ~~The Building Official~~ Floodplain Administrator shall inspect all development to determine compliance with the

requirements of this section and the conditions of issued permits.

Sec.98-125.3. Buildings, structures and facilities exempt from the Florida Building Code.

The ~~Building Official~~ Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this section and the conditions of issued permits.

Sec.98-125.4. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the ~~Building Official~~ Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Sec. 98-124.2 (3)(b), the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

Sec.98-125.5. Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the ~~Building Official~~ Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Sec. 98-125.4.

Sec.98-126. DIVISION 7. APPEALS AND VARIANCES.

Sec.98-126.1. General. ~~The Historic Preservation Board (hereinafter referred to as the "Board") shall hear and decide on requests for variances from the strict application of this section for historic structures as designated by Division 28, Land Development Code. The City Commission shall hear and decide on request for variances on the strict application of this section on functional dependent use. Pursuant to section 553.73(5), Florida Statutes, the Board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. Pursuant to section 553.73(5), Florida Statutes, the Board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.~~

Requests for variances from the strict application of this section are limited to functionally dependent uses and historic structures. The City Commission shall hear and decide on requests for variances for functionally dependent uses as defined in this section. The Historic Preservation Board (herein "Board") shall hear and decide on requests for variances for historic structures as designated by Division 28, Land Development Code. Pursuant to section 553.73(5), Florida

Statutes, the City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

Sec.98-126.2. Appeals. The City Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Board or City Commission may appeal such decision to the Circuit Court, as provided by Florida Statutes. ~~The Building Official~~ Floodplain Administrator shall maintain the records of all appeals, both granted and denied and report any variances to FEMA as requested.

Sec.98-126.3. Limitations on authority to grant variances. Both the City Commission and/or Board may authorize variances from the provisions of this section after receipt of an application which provides all relevant information required by the ~~Building Official~~. Floodplain Administrator Both the City Commission and/or Board shall base its decisions on variances on technical justifications, the considerations for issuance in Sec.98-126.7, and the conditions of issuance, all of which are contained in Sec.98-126.8., and the comments and recommendations of the, ~~Building Official~~ Floodplain Administrator including those based upon the Florida Building Code. Both the City Commission and Board have the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.

Sec.98-126.4. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 98-124.3.

Sec.98-126.5. Historic buildings. A variance is authorized to be issued for the repair, improvement, reconstruction, restoration or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12, upon a determination that the proposed repair, improvement, reconstruction, restoration or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, reconstruction, restoration and rehabilitation shall be subject to the requirements of the Florida Building Code. Historic properties may be required to obtain a certificate of appropriateness pursuant to the City Code.

Sec.98-126.6. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this section, provided the variance meets the requirements of Sec. ~~98-126.7 and Sec. 98-126.8.~~ 98-126.4, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

Sec.98-126.7. Considerations for issuance of variances. In reviewing requests for variances, the Board or City Commission shall consider all technical evaluations, all other applicable provisions of the Florida Building Code, this section, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future individual owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion for the proposed use;
6. The compatibility of the proposed use with existing and anticipated development;
7. The relationship of the proposed use to the Comprehensive Plan, the FIS for the area and this section;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
10. 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, streets and bridges;
11. The necessity to the development of a waterfront location; and
12. Economic hardship and self-created hardship are not relevant factors and shall not be considered as reasons to grant a variance.

Sec.98-126.8. Conditions for issuance of variances. After consideration of the factors listed above and the purposes of this section variances shall be granted by the Board or City Commission only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the required elevation standards;
2. Determination by the Board or City Commission that:
 - a. Failure to grant the variance would result in exceptional hardship, based on the considerations set forth for issuance of a variance, due to the physical characteristics of the land that render the lot undevelopable; increased costs to

- satisfy the requirements or inconvenience do not constitute hardship; and
- b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief; and
 - d. The variance receives the affirmative vote of at least a majority of the Board or City Commission; and
 - e. No variance shall be granted for development which was constructed without a permit, or beyond the scope of a permit, unless it meets the considerations set forth for the issuance of a variance and receives the affirmative vote of a super-majority of the Board or City Commission.
3. No variance, if granted, shall be effective until a copy of the variance with the name of the owner and the legal description of the property is recorded in the Office of the Clerk of the Court so that it appears in the chain of title of the affected parcel of land; and
 4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Building Official Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the base flood elevation increases risks to life and property. The application shall provide notice to, and each application shall acknowledge that, the granting of a variance will result in increased premium rates for flood insurance (in some cases amounts as high as \$25 for \$100 of insurance coverage or increases of 100% or greater) and construction pursuant to the variance increases risks to life and property.

Sec.98-127. DIVISION 8. VIOLATIONS.

Sec.98-127.1. Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this section, shall be deemed a violation of this section. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

Sec.98-127.1.2. Declaration of violation.

1. Where a violation of this section has been found to exist by:
 - a. A court of competent jurisdiction;
 - b. The Special ~~Master~~ Magistrate;
 - c. The written admission of a property owner, or
 - d. The City Commission.

The violation has not been corrected, the City Commission may declare the property to be in violation of this section and forward the declaration to FEMA. The issuance of the declaration may cause the property to be denied flood insurance and no permits will be issued for any improvements to the property except permits for the maintenance of structures existing at the time the declaration is made and permits for the removal of violations of this section.

2. The declaration shall be approved by resolution of the City Commission and should meet the requirements of section 1316 of the National Flood Insurance Act of 1968 as implemented by part 73 of 44 CFR and any other applicable law. The declaration shall be recorded in the public records. The owner/occupant shall be required to obtain a new ~~Building Official~~ certificate of occupancy stating the existence of a compliant structure from the Floodplain Administrator to ensure compliance. The declaration may be rescinded by resolution of the City Commission, provided that the resolution meets the requirements of section 1316 of the National Flood Insurance Act.
3. Structures existing on the property at the time a declaration is approved by City Commission shall not be, in addition, cited for violating the requirements of this section. Violations of the City Code, not including violations of this section, which exist on the date of the declaration, may be cited.
4. Any violation existing on the date of the declaration for which no building permit was issued which does not meet the requirements of the Florida Building Code (except the provisions of this section) shall be removed. Any violation which is required to obtain a building permit to correct shall be removed (except the provisions of this section).
5. The ~~Building Official~~ Floodplain Administrator may require such documents and certificates and perform such inspections as are reasonably necessary prior to issuing a certificate of occupancy.

6. Any work done after the date of the declaration is a violation of this section, may be cited for violating this section, and shall be removed. No variances to this subsection shall be granted.

Sec.98-127.1.3. Authority. For development that is not within the scope of the Florida Building Code but that is regulated by this section and that is determined to be a violation, the ~~Building Official~~ Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

Sec.98-127.1.4. Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

~~Sec.98-128.~~ DIVISION 9. DEFINITIONS.

Sec.98-128.1. Scope. Unless otherwise expressly stated, the following words and terms shall have the meanings shown in this section.

Sec.98-128.2. Terms defined in the Florida Building Code. Where terms are not defined in this section or the City Code and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in the Florida Building Code.

Sec.98-128.3. Terms not defined. Where terms are not defined in this section, the City Code, or the Florida Building Code, such terms shall have the ordinarily accepted meanings such as the context implies.

Sec.98-128.4. Definitions.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

ASCE 24 means a standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood means a flood having a 1-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual

chance flood.”

Base flood elevation means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the FIRM.

Basement means the portion of a building having its floor subgrade (below ground level) on all sides.

Building means any structure consisting of walls and a roof, built of permanent construction that is impervious to the elements, and built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Coastal construction control line means the line established by the State of Florida pursuant to section 161.053, Florida Statutes, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as “high hazard areas subject to high velocity wave action” or “V Zones” and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

~~**Cost of improvement or repair** means an itemized estimate provided by a licensed contractor or professional architect or engineer that incorporates both labor and materials and includes a copy of the construction contract; or, as an alternative, an estimated cost determined by the Building Official using current prices provided by Marshall and Swift, ICC valuation tables or other recognized estimating tools.~~

Critical facility: A structure or other improvement that, because of its function, size, service area, or uniqueness, has the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities if it is destroyed or damaged or if its functionality is impaired . Critical facilities include health and safety facilities, utilities, government facilities such as police and fire stations, and hazardous materials facilities.

~~**Declaration of Land Restriction (Non-conversion Agreement).** A form signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, certain enclosures below elevated buildings.~~

A form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these

regulations, enclosures below elevated buildings.

Design flood means the flood associated with the greater of the following two areas:

1. Area with a floodplain subject to a 1percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the City's flood hazard map, or otherwise legally designated.

Design flood elevation means the elevation of the "design flood," including wave height, relative to the datum specified on the City's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet.

Development means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, and mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and **existing structure** means any buildings and structures for which the "start of construction" commenced before May 22, 1970.

Federal Emergency Management Agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Fill means any material (usually soil, dirt, sand or similar non-biodegradable material) used to elevate the grade of property to a level higher than the grade of the property as it existed prior to the start of construction.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more

than cosmetic repair.

Flood hazard area means the greater of the following two areas:

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the City's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM) means the official map of the City on which FEMA has delineated both special flood hazard areas and the risk premium zones applicable to the City.

Flood Insurance Study (FIS) means the official report provided by FEMA that contains the FIRM, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

Floodplain development permit or approval means an official document or certificate issued by the City, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

Floodway or regulatory floodway means the channel of a river or other riverine 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.

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a Florida licensed professional engineer using standard engineering methods and models.

Florida Building Code means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent facility (use) means a facility (use) which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure means any structure that is:

1. Determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 44 12 Historic Buildings;
2. Listed individually on 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; or
3. 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;
- ~~4. Individually listed on the state inventory of historic places as long as the state historic preservation program is approved by the Secretary of the Interior; or~~
- ~~5. Individually listed as a local landmark pursuant to the City's historic preservation program as long as the City's historic preservation program is certified by the state as a certified local government program, and the state historic preservation program is approved by the Secretary of the Interior.~~

Letter of Map Change (LOMC) means an official determination issued by FEMA that amends or revises an effective FIRM or FIS. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective FIRM and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with this section. .

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective FIRM or FIS; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited 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 on-elevation requirements of the Florida Building Code or ASCE 24.

Mangrove stand means an assemblage of trees which are 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 germinans*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*); and, buttonwood (*Conocarpus erecta*).

Market value means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

~~**Mean sea level** means the mean sea level set forth in the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum of 1988.~~

National Geodetic Vertical Datum (NGVD) means the vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means for the purposes of administration of this section and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after July 25, 1972 and includes any subsequent improvements to such structures.

~~**Non-conversion Agreement.** A form signed by the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, certain enclosures below elevated buildings.~~

Project means any work done for which a permit is required during the time period from when the work begins until the permit is closed and shall include all work and permits necessary to make a structure safe to be occupied. A permit may be closed by issuance of a certificate of occupancy or an approved final inspection.

Special flood hazard area means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

Standard single exterior door means a movable barrier used to seal or close-off entry to a building which is constructed of wood, metal or glass, not more than thirty-six (36) inches wide and that swings on hinges.

Standard double exterior door means a movable barrier used to seal or close-off entry to a building which is constructed of wood, metal or glass, not more than seventy-six (76) inches wide and that swings on hinges.

Start of construction means the date the building permit was issued, for either new construction or substantial improvements ~~to existing structures~~, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement occurred within 180 days of the date of the permit was issued. The actual start of construction means either the first placement of permanent construction of a building on a site, such as the pouring of slab or footings, the installation of piles, the 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, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. 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.

Substantial damage means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would be equal to or exceed 50 percent of the market value of the building or structure before the damage occurred.

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds ~~50~~ 49 percent of the market value of the building or structure before the improvement or repair is started. If the

structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

~~For the purpose of this definition, costs of improvements shall not be cumulative from project to project. Costs of improvements shall include all costs attributed to a project and shall be determined:~~

- ~~3. By submission of a detailed cost estimate by a licensed contractor, provided such estimate includes all work required to complete the work described in the permit application;~~
- ~~4. By submission of a summation of the prevailing market cost for all materials and labor—including all expenses normally charged or incurred if the work were performed by a contractor (e.g., construction supervision and management, insurance, overhead and profit, demolition, etc.); or~~
- ~~5. By the Building Official if the applicant's submission and supporting data do not, in the opinion of the Building Official, reasonably reflect the actual project cost; alternatively, the Building Official may require submission of another estimate. If determined by the Building Official, Floodplain the Building Official may use (a) the most recent (at the start of construction) square foot valuation data for this area published by the International Code Council; or (b) the replacement cost less depreciation (at the start of construction) identified in a certified appraisal less than 12 months old.~~

Variance means a grant of relief from the requirements of this section, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this section or the Florida Building Code.

Watercourse means a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Sec.98-129. DIVISION 10. BUILDINGS AND STRUCTURES.

Sec.98-129.1. Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Sec.98-125.4123.3., buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in

accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Sec.98-133.

Sec.98-129.2 Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 or Section 1612, or Florida Building Code, Residential Section R322, as applicable.
2. Minor structures and non-habitable major structures as defined in section 161.54, Florida Statutes, shall be designed and constructed to comply with the intent and applicable provisions of this section and ASCE 24.

~~Sec.98-130.~~ DIVISION 11. SUBDIVISIONS.

Sec.98-130.1. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage;
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures;~~;~~ and

Sec.98-130.2. Subdivision plats. Where any portion of proposed subdivisions, ~~including manufactured home parks and subdivisions,~~ lies within a flood hazard area, the following shall be required:

~~1. Compliance with the site improvement and utilities requirements of Sec.98-131.~~

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats; and
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 98-124.2.(1) of this ordinance; and
3. Compliance with the site improvement and utilities requirements of Division 12 of this ordinance.

~~Sec.98-131.~~ DIVISION 12. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS.

Sec.98-131.1. Minimum requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. In coastal high hazard areas (Zone V), buildings and structures are located a minimum of ten (10) feet landward of the reach of mean high tide;
3. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
4. Adequate drainage is provided to reduce exposure to flood hazards.

Sec.98-131.1.1. Use of structural and nonstructural fill in flood hazard areas (Zones AE) In flood hazard areas other than coastal high hazard areas (Zone V), the use of fill is prohibited except for stem wall construction. Minor amounts of fill shall be allowed to:

1. The purpose of the fill is to provide adequate lot grading for drainage;
2. The use of fill ~~shall~~ will not create any additional storm water runoff onto abutting property;
3. Proper swales are provided along all abutting properties;
4. The fill is used for landscaping, sidewalks and driveways;
5. ~~If In the absence of proper swales, are not sufficient or not desired, then a concrete wall at least 8 inches high shall be provided; and~~
6. If All roofs adjacent to abutting properties shall have gutters with all roof surface water directed away from abutting properties.

Exception:

~~The following zoning districts are exempt;~~ The use of structural fill is permitted in the following districts:

CC-1 Commercial District, CC-2 Commercial District, TC-1 Town Center Core District, TC-2 Town Center Core Circle and Coquina West Districts, Traditional Hotel District

THD, CC1 Commercial Corridor Blind Pass Road District, CC2 Commercial Corridor Gulf Blvd. District, (LR) Large Resort, AC Activity Center District, PAG Pass-A-Grille Overlay District and B/HC Boutique Hotel/Condo District.

Sec.98-131.1.2. Use of nonstructural fills in coastal high hazard areas (Zone V). In coastal high hazard areas (Zone V), limited non-compacted 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 obstructions) prior to generating excessive loading forces, ramping effects or wave deflection. The ~~Building Official~~ Floodplain Administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect and/or soil scientist, along with the any supporting data required by the ~~Building Official~~ Floodplain Administrator, which demonstrates that the following factors have been fully considered:

1. Particle composition of fill material does not have a tendency for excessive material compaction;
2. Volume and distribution of fill will not cause wave deflection to adjacent properties;
3. Slope of fill will not cause wave run up or ramping; and
4. The use of fill shall not create any additional storm water runoff onto abutting property.

Sec.98-131.2. Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

Sec.98-131.3. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

Sec.98-131.4. Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Sec. 98-124.3(1) demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

Sec.98-131.5 Limitations on placement of fill. Subject to the limitations of this section, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid

drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour.

Sec.98-131.6. Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Sec. 98-124.3(4) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Sec. 98-133.8 (3).

~~Sec.98-132.~~ DIVISION 13. TANKS.

Sec.98-132.1. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

Sec.98-132.2. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Sec. 98-132.3. shall:

1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
2. Not be permitted in coastal high hazard areas (Zone V).

Sec.98-132.3. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

Sec.98-132.4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

~~Sec.98-133.~~ DIVISION 14. OTHER DEVELOPMENT.

Sec.98.133.1. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in ~~Section 16-40.050.~~ this section or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the requirements of Sec. 98-~~141.~~131.4 if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE-24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of Florida Building Code for wet locations.

Sec.98.133.2. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Sec. 98.131.4

Sec.98.133.3. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the requirements of Sec. 98-131.4.

Sec.98.133.4. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Sec. 98-131.4. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Sec. 98-~~143.~~124.3(3).

Sec.98.133.5. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure;
2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
3. Have a maximum slab thickness of not more than four (4) inches.

Sec.98.133.6. Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.

Sec.98.133.7. Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

Sec.98.133.8. Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.
3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run-up and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 2. Article II Technical Codes of Chapter 98 Buildings and Building Regulations of the St. Pete Beach Code of Ordinances are hereby amended as follows.

Sec. 98-33. - Florida Building Code, residential; amendments.

The residential code, as adopted in section 98-26 is modified or amended as follows:

Section R322.2.1 Elevation requirements .

- ~~1. Buildings and structures in flood hazard areas not designated as Coastal V Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.~~

~~Exception:~~

~~The following zoning districts are exempt from the 1 foot and must follow base flood elevation;~~

~~CC-1 Commercial District, CC-2 Commercial District, TC-1 Town Center Core District, TC-2 Town Center Core Circle and Coquina West Districts, Traditional Hotel District THD, CC1 Commercial Corridor Blind Pass Road District, CC2 Commercial Corridor Gulf Blvd. District, (LR) Large Resort, AC Activity Center District, PAG Pass-A-Grille Overlay District and B/HC Boutique Hotel/Condo District.~~

- ~~2. When an existing building or structure permitted under this section complies with the FIRM at the time of issuance of a permit for new construction/addition, neither the~~

~~existing building nor the new construction/addition, is required to comply with the additional building height footage required to be added to the base flood elevation by this section.~~

~~Remainder unchanged~~

1. Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 2 foot 1 foot (305 mm), or the design flood elevation, whichever is higher.

~~2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 1 foot (305 mm), or not less than 3 feet (915 mm) if a depth number is not specified.~~

~~23.~~ Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.

Exceptions:

a. Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.

b. New buildings and structures subject to R322.2.1 (1) located in CC-1 Commercial District, CC-2 Commercial District, TC-1 Town Center Core District, TC-2 Town Center Corey Circle and Coquina West Districts, Traditional Hotel District THD, CC1 Commercial Corridor Blind Pass Road District, CC2 Commercial Corridor Gulf Blvd. District, (LR) Large Resort, AC Activity Center District, PAG Pass-A-Grille Overlay District including CRD/EA Community Redevelopment District – Eight Ave and B/HC Boutique Hotel/Condo District zoning districts shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.

c. When an existing building or structure complies with the elevation requirements in effect at the time such building was permitted, any subsequent substantial improvement of or addition to such building shall not require elevation higher than the current effective base flood elevation plus 1 foot.

R322.2.2 Enclosed area below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or

elevator).

Remainder unchanged

Section R322.3.2 as follows:

R322.3.2 Elevation requirements.

- ~~1. All buildings and structures erected within the coastal high hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor with the exception of mat or raft foundations, piling, pile, cap, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher~~

~~Exception:~~

~~The following zoning districts are exempt from the 1 foot and must follow base flood elevation;~~

~~CC-1 Commercial District, CC-2 Commercial District, TC-1 Town Center Core District, TC-2 Town Center Corey Circle and Coquina West Districts, Traditional Hotel District THD, CC1 Commercial Corridor Blind Pass Road District, CC2 Commercial Corridor Gulf Blvd. District, (LR) Large Resort, AC Activity Center District, PAG Pass-A-Grille Overlay District and B/HC Boutique Hotel/Condo District.~~

- ~~2. When an existing building or structure permitted under this section complies with the FIRM at the time of issuance of a permit for new construction/addition, neither the existing building height footage required to be added to the base flood elevation by this section.~~

~~Remainder unchanged~~

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 2 feet 1 foot (305 mm) or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

Exceptions:

- a. New buildings and structures subject to R322.3.2 (1) located in CC-1 Commercial

District, CC-2 Commercial District, TC-1 Town Center Core District, TC-2 Town Center Corey Circle and Coquina West Districts, Traditional Hotel District THD, CC1 Commercial Corridor Blind Pass Road District, CC2 Commercial Corridor Gulf Blvd. District, (LR) Large Resort, AC Activity Center District, PAG Pass-A-Grille Overlay District including CRD/EA Community Redevelopment District – Eight Ave and B/HC Boutique Hotel/Condo District zoning districts, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot (305 mm) or the design flood elevation, whichever is higher.
b. When an existing building or structure complies with the elevation requirements in effect at the time such building was permitted, any subsequent substantial improvement of or addition to such building shall not require elevation higher than the current effective base flood elevation plus 1 foot.

Section R322.3.5 Enclosed areas below the design flood elevation. Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators. The limitation on partitions does not apply to crawlspace foundations. Storage shall be limited to items which otherwise would be stored outside a building or items normally used outside (e.g., grill, lawn mower, folding chairs, etc.). ~~Access to enclosed areas shall be the minimum necessary to allow for permitted uses and limited to garage door and standard single exterior doors and one double entry door. No sliders are permitted.~~ All utilities such as electrical, heating, plumbing, and air conditioning equipment and other services facilities (including ductwork) must be elevated or waterproof floodproofed to the ~~base flood elevation plus freeboard required elevation~~.

Secs. 98-34. - Florida Building Code, building; amendments.

[The building code, as adopted in section 98-26 is modified or amended as follows:]

Modify Sec. 107.3.5 as follows:

107.3.5 Minimum plan review criteria for buildings.

Commercial Buildings: Building

8. Structural requirements shall include:

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), flood damage-resistant materials.

Residential (one- and two-family)

6. Structural requirements shall include:

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures,

declaration of land restriction (nonconversion agreement), equipment, and flood damage-resistant materials.

Modify Sec. 202 Definitions as follows:

[BS] SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed ~~49~~⁵⁰ percent of the market value of the structure before the damage occurred.

[BS] SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, the cost of which equals or exceeds ~~49~~⁵⁰ percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Modify Sec. 1612.4 as follows:

1612.4.2 Modification of ASCE 24, critical facilities. ASCE 24 requirements for critical facilities, as defined in Section 98-128.4 of the St. Pete Beach City Code, shall be modified as follows:

1. Critical facilities shall be elevated to or above the base flood elevation plus 3 feet or the 500-year flood elevation, whichever is higher
2. Critical facilities shall not be dry floodproofed.

1612.4.3 Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 2 feet (610 mm), whichever is higher.

Secs. 98-35. - Florida Building Code, existing building; amendments.

[The existing building code, as adopted in section 98-26 is modified or amended as follows:]

Modify Sec. 202 Definitions as follows:

[BS] SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged

condition would equal or exceed ~~49~~50 percent of the market value of the structure before the damage occurred.

[BS] SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, the cost of which equals or exceeds ~~49~~ 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SECTION 3. FISCAL IMPACT STATEMENT. In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 4. SEVERABILITY. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the City Commission of the City of St. Pete Beach, Florida.

SECTION 6. APPLICABILITY. For the purposes of jurisdictional applicability, this ordinance shall apply in the City of St. Pete Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 7. INCLUSION INTO THE CODE OF ORDINANCES. It is the intent of the City Commission that the provisions of this ordinance shall become and be made a part of St. Pete Beach's Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Alan Johnson, Mayor

First Reading:
Published:
Final Reading:
Public Hearing:

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing ordinance was duly adopted in accordance with the provisions of applicable law this day of 2018.

Rebecca C. Haynes, City Clerk

APPROVED AS TO FORM AND LEGAL CORRECTNESS:

Andrew Dickman, City Attorney

Projection of Points

340	Hazard Disclosure	22
432.b	Freeboard	131
432.e	Substantial	17
432.f	Critical Fac.	35
432.g	Enclosure limit	26
512	Stakeholder	?
Total Potential Points		231
Existing Points		<u>2,292</u>
Total Potential and existing		2,523
Class 5 Minimum Points		<u>2,500</u>

St. Pete Beach City Commission Agenda Report

Issue Considered: Ordinance 2018-04: First Reading and Public Hearing. An Ordinance of the City of St. Pete Beach, Florida providing for supplemental appropriations to the General Fund and Capital Improvement Projects Fund.

Date: March 27, 2018

Prepared By: Vincent Tenaglia, Administrative Services Director

Through: Wayne Saunders, City Manager

Summary of Issue: The intent of Ordinance 2018-04 is to amend the budget to reflect two pending grant agreements:

- 1) Assistance to Firefighters Grant: The City has been awarded federal assistance from FEMA totaling \$136,574 for the replacement of SCBA equipment. Revenue will be recorded in the General Fund, along with corresponding expenditures totaling \$143,763. The net impact to General Fund balance is \$7,189.
- 2) Florida Department of Transportation (FDOT) Highway Landscape Reimbursement Program: Reimbursement funding will be provided in the amount of \$90,000 for landscaping improvements on Blind Pass Road from 75th Avenue to 82nd Avenue. Corresponding revenue and expenditures will be recorded in the Capital Improvement Projects Fund.

Funding: The effects of Ordinance 2018-04 are summarized below:

Account	Description	Amount
001.5801.522.5649	Fire Department: Equipment	\$143,763
001.331.200	Federal Grant: Public Safety	\$(136,574)
General Fund Net Expenditures:		\$7,189
301.8000.590.5650	Capital Expenditures	\$90,000
301.334.400	State Reimbursement: FDOT	\$(90,000)
Capital Projects Fund Net Expenditures:		\$0

Requested Motion: "I move to approve Ordinance 2018-04 on first reading (read title)."

Attachment: Ordinance 2018-04
Appendix A

**Reviewed by the
City Manager:**

WS

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.

Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2018.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

Andrew Dickman, City Attorney

Ordinance 2018-04

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS TO THE GENERAL FUND AND CAPITAL IMPROVEMENT PROJECTS FUND; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach desires to amend the fiscal year 2018 budget; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law; and

WHEREAS, the fiscal year 2018 budget includes revenue and expenditures as adopted by Ordinance 2017-20 and supplemented by Ordinance 2017-31; and

WHEREAS, Article III, Section 3.13(a) of the City Charter provides authority for appropriation amendments; and

WHEREAS, the City Commission of the City of St. Pete Beach desires to appropriate revenue and expenditures corresponding to grant funding agreements.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The City of St. Pete Beach fiscal year 2018 budget shall be amended per Appendix A, attached and made part of this Ordinance.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

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. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

City of St. Pete Beach
Ordinance 2018-04

Appendix A

Account	Description	Amount
General Fund:		
001.5801.522.5649	Fire Department: Equipment	143,763
001.331.200	Federal Grant: Public Safety	(136,574)
		<u>\$7,189</u>
Capital Improvement Fund:		
301.8000.590.5650	Capital Expenditures	90,000
301.334.400	State Reimbursement: FDOT	(90,000)
		<u>\$0</u>