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COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, February 26, 2019
6:00 PM

Call to Order
Pledge of Allegiance
Good of the Order
Roll Call

REGULAR MEETING

1. **Presentations** - Presentations shall be limited to 5 minutes for non-city government related items.
2. **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.
3. **Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda, 21 minutes in total.
4. **Consent**
 - a. **Request authorization to approve special event application, wet zone and street closure for Corey Area Business Association's St Patrick's Day Celebration on March 17, 2019.**
 - b. **Request authorization to approve special event application, wet zone and street closure for Corey Area**

Business Association's Mardi Gras Celebration on March 5, 2019.

- c. Request approval of the quote from Cribb Philbeck Weaver Group, in the amount of \$24,150.00 for the demolition of the structures located at 305 73rd Avenue.**

5. Action Items

- a. Request approval of the Task Order under the Continuing Engineering Services Contract with Kimley-Horn and Associates, Inc., in the amount of \$22,000.00 for Lift Station Emergency Equipment Details and Specifications.**
- b. Request approval of the Task Order under the Continuing Engineering Services Contract with Kimley-Horn and Associates, Inc., in the amount of \$25,000.00 for the City's Coastal Resiliency Plan.**
- c. Request Approval to enter into an agreement for Lobbyist Services with Suskey Consulting LLC.**

6. Ordinances

- a. Ordinance 2018-08: Final Reading and Public Hearing of 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 make technical and administrative amendments to the Florida Building Code; providing for severability; and providing for an effective date.**

7. Resolutions – No items submitted at this time.

8. Items for Discussion

- a. Palm Trees in front of 1106 Pass-a-Grille Way**

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

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

11. 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.**

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

Issue Considered: Request authorization to approve special event application, wet zone and street closure for Corey Area Business Association's St. Patrick's Day Celebration on March 17, 2019.

Date: February 26, 2019

Prepared By: Jennifer McMahon, Recreation Director

Through: Wayne Saunders, City Manager

Summary of Issue: The St Patrick's Day Celebration event is being planned by the Corey Area Business Association. They are requesting to block Corey Ave one block (300 Block) from Blind Pass Road to Boca Ciega Dr. from 4pm to 10pm Sunday, March 17, 2019. The street is already blocked off that day for the Sunday market; the closure would be an extension of that. They are also requesting that the blocked off area serve as a wet zone to allow alcohol on public property during the St Patrick's Day event. Commission must approve all street closures and wet zones on public property. City Commission agreed for the city to co-sponsor the event at the February 12, 2019 meeting and pay for the off duty and EMS required for this event.

Requested Motion: "I move to approve the special event application, wet zone and street closure for Corey Area Business Association's St. Patrick's Day Celebration on March 17, 2019."

Funding: 001-5701-521-5325

Attachments: Event information and application

**Reviewed by
City Manager** WS



City of St. Pete Beach Recreation
Department

Event Application

Applicant

Name of Applicant: YVONNE MARCUS Title (if applicable): president

Name of Organization (if applicable): COREY AREA BUSINESS ASSOCIATION

Tax Exempt? ☒ Yes ☐ No Non-Profit? ☐ Yes ☐ NO If yes on either, please provide documentation

Mailing Address: P. O. Box 67393

Cell Phone: 727 580-8331 W - 360-2953 Email: artexpogallery@tampabay,rr.com

Event Information

Event Title: ST. PATTY'S DAY Event/Organization Web Address: www.coreyave.com

Event Location(s): 300 BIK - COREY AVE

If location is private property, a letter giving permission for the event to take place on the property must be included with the application.

Event Date(s) & Time(s)

Date 3/17/2019 Day of the Week SUNDAY Start Time 4 pm End Time 12 AM

Set Up Date(s): 3/17/2019 Time(s) 4 pm to 5:30 AM
Cleanup Date(s): 3/17/2019 Time(s) 12 AM to 12:30 AM

Description of Event: ST. PATTY'S CELEBRATION / LIVE MUSIC /
WET ZONE / FACE PAINTING? / A FEW TABLES FOR
BANDS: ACT 3 / ~~SOUND WAVE~~ (?) / FOLKS TO
TWO LANE BLACKTOP (ROCK n ROLL)

Will this be an Annual Event? ☒ Yes ☐ No If yes, next year's date(s): STAND AT

Event Logistics

Estimated Attendance 300-400 This Year Last Year (if Applicable)

List all event activities: - CORNED BEEF + CABBAGE (GRILLIN + CHILLIN!)
NO TRUCK - JUST HEATING FOOD UP.

Electricity Needed ☒ Yes ☐ No Source: CHILL RESTAURANT + SWIGWAY.

Will portable restrooms be used? ☐ Yes ☒ No If yes (include on site plan): One ADA compliant toilet for every 10 per location

Will Dumpsters be used? ☐ Yes ☒ No If yes (include on site plan)
How Many? Size: Installation Date: Removal Date:

FIRE/EMS - \$750; Police - \$660 6

Entertainment (Detail type, bands, DJs, dancers, clowns, etc) LIVE MUSIC
ACT 3 (MOTOWN DANCE MUSIC)
SOUNDWAVE? - TWO LANE BLACKTOP (R+R)
Parking Plan (please be detailed and include on site map):

Food and Beverage:

Will alcohol be served or sold? ☐ Served ☒ Sold ☐ No Alcohol
Will there be food trucks? ☐ Yes ☒ No
All food trucks must be registered with the city.
If yes, please list the truck/trailer vendors

ALCOHOL WILL BE SOLD IN SWIGWAM, TAPZ & CHILL. THEY WILL EXTEND LICENSE + INDEMNIFY CITY + CAI

1. _____ St Pete Beach Food Truck Permit # _____
2. _____ St Pete Beach Food Truck Permit # _____
3. _____ St Pete Beach Food Truck Permit # _____
4. _____ St Pete Beach Food Truck Permit # _____
5. _____ St Pete Beach Food Truck Permit # _____

If you need additional space to list more food trucks please attached an additional sheet listing name of truck and the permit number.

Other Food Vendors that are not a truck or trailer: an outdoor cooking permit is required for those listed below. Please include the outdoor cooking permit application/s with the event permit
None

List all other vendors (art, crafts, clothes, etc) NA

Event Equipment – All equipment below other than a 10x10 tent requires a temporary structure permit. Please include the temporary structure permit for each piece of equipment listed below with the event application.

Tents: Please list number of tents and size of each and include location on the site plan.
A FEW 2 TOPS FOR FOLKS TO STAND AT
10 X 10 TENT FOR CORNED BEEF + CABBAGE.
JASON (GRILLIN' AND CHILLIN')

Stage/Platforms: Please list dimensions, scaffolding, etc and include location on the site plan
16' X 16' X 6" (LOCATED NEAR CHILL)

Vehicle on the Beach Permits

Do you need to have a vehicle on the beach for your event? ☐ Yes ☒ No
If Yes, please include a vehicle on the beach permit application with the event application

Street Closures

Does Event require any Road or Sidewalk Closures?

☐

Yes

☐

No

If yes, you must include all the details in the site plan including streets and times

Road 300 BIK COREY Start Intersection BOCA CIEGA

End Intersection BLIND PASS

Date 3/17/2019

Times 4:00 pm - 12 am
(12:30?)

recommend 10pm end time due to noise ordinance & on a Sunday.

Signage/Banners – Please list number, size and placement of each banner that you plan to use to promote the event. If requesting to hang a banner over 75th Ave, a FDOT permit is required and request must be made at least 90 days before the event.

N/A

City Equipment – Please indicate the number needed for your event, if none, please put a zero (0).

 Barricades *(we'll use Sunday Market Barricades)*

 Cones

☒ Trash Bins *(10)*

As the Applicant, I hereby accept and understand the responsibility to oversee all contractors, vendors, or parties affiliated with the event and to insure compliance with the special event guide, the event rules guidelines, requirements for tents and all policies, rules, regulations, and code provisions of the City of St. Pete Beach. I understand that any violations may result in immediate cancellation and revocation of the Event permits. I further certify that all the facts contained in this request are accurate.

No advertising for the event shall occur until this Special Event permit has been approved by City staff and Commission.

If any information is found to be false, incomplete or misrepresented, such fact is just cause for the immediate revocation of any permit issued. In addition, failure to correct any on-site conditions or code violation as identified by City Staff will result in revocation of the permit and/or code enforcement fines.

For events on Public property, I agree to obtain and furnish the City of St. Pete Beach with a certificate of general liability insurance in the amount of at least one million dollars (\$1,000,000) or greater as deemed satisfactory by the city. The insurance must name the City of St. Pete Beach as an additional insured.

I understand incomplete application or any outstanding financial obligations with any department within the City of St. Pete Beach may result in a denial of my request.

Yvonne Marcus
Print Name

Yvonne Marcus
Signature

COREY AREA BUSINESS ASSOC
Corporation Name (if applicable)

01/24/2019
Date

MUSIC

8

ST. PATRICKS DAY

SUNDAY
MARCH 17th 2019

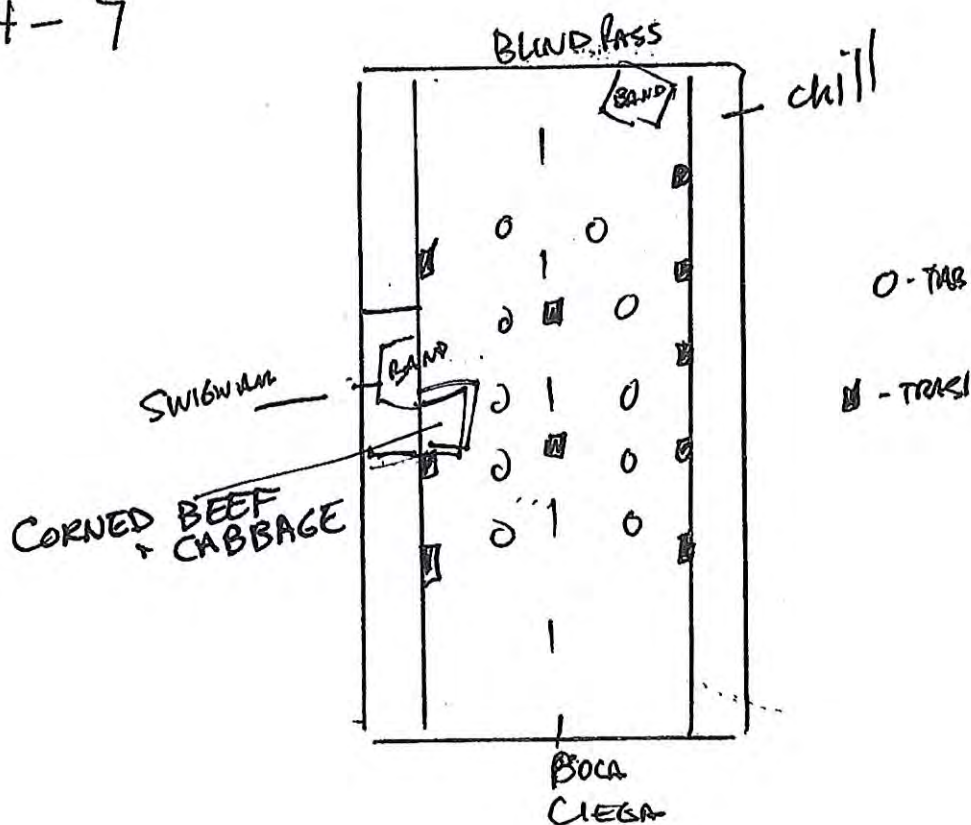
STAGE IS 8' X 16' IN FRONT OF CHILL ON STREET.
SWIGWAM BAND WILL SETUP ON SIDEWALK IN FRONT
OF "SLICE OF NEW YORK"

10 TRASH CANS FROM CITY SPACED EQUALLY ON STREET.

10 TABLES FOR PEOPLE TO STAND AT.

CHILL BAND 7PM - 10

SWIG BAND 3 or 4 - 7



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

Issue Considered: Request authorization to approve special event application, wet zone and street closure for Corey Area Business Association's Mardi Gras Celebration on March 5, 2019.

Date: February 26, 2019

Prepared By: Jennifer McMahon, Recreation Director

Through: Wayne Saunders, City Manager

Summary of Issue: The Mardi Gras Celebration event is being planned by the Corey Area Business Association. They are requesting to block Corey Ave one block (300 Block) from Blind Pass Road to Boca Ciega Dr from 4:30pm to 10pm Tuesday, March 5, 2019. They are also requesting that the blocked off area serve as a wet zone to allow alcohol on public property during the Mardi Gras event. Commission must approve all street closures and wet zones on public property. City Commission agreed for the city to co-sponsor the event at the February 12, 2019 meeting and pay for the off duty and EMS required for this event.

Requested Motion: "I move to approve the special event application, wet zone and street closure for Corey Area Business Association's Mardi Gras Celebration on March 5, 2019."

Funding: 001-5701-521-5325

Attachments: Event information and application

**Reviewed by
City Manager:** WS



City of St. Pete Beach Recreation
Department
Event Application

Applicant

Name of Applicant: YVONNE MARCUS Title (if applicable): President

Name of Organization (if applicable): COREY AREA BUSINESS ASSOCIATION

Tax Exempt? ☒ Yes ☐ No Non-Profit? ☐ Yes ☐ NO If yes on either, please provide documentation

Mailing Address: P.O. Box 67393

Cell Phone: 727 580-8331 Email: artexpogallery@tampabay.rr.com
360-2953

Event Information

Event Title: MARDI GRAS Event/Organization Web Address: www.coreyave.com

Event Location(s): 300 BIK - COREY AVE

If location is private property, a letter giving permission for the event to take place on the property must be included with the application.

Event Date(s) & Time(s)

Date: 3/05/2019 Day of the Week: TUESDAY Start Time: 6 pm End Time: 12 AM.

*recommending 10pm stop time due to noise ordinance.

Set Up Date(s): _____ Time(s) _____ to _____

Cleanup Date(s): _____ Time(s) _____ to _____

Description of Event: (STORM BRINGER)
LIVE MUSIC, MARDI GRAS CELEBRATION
WET ZONE

Will this be an Annual Event? ☒ Yes ☐ No If yes, next year's date(s): _____

Event Logistics

Estimated Attendance 300-500 N/A.
(includes event crew, participants, and spectators) This Year Last Year (if applicable)

List all event activities: _____

Electricity Needed ☒ Yes ☐ No Source: CHILL RESTAURANT

Will portable restrooms be used? ☐ Yes ☒ No If yes (include on site plan): One ADA compliant toilet for every 10 per location

Will Dumpsters be used? ☐ Yes ☒ No If yes (include on site plan)
How Many? _____ Size: _____ Installation Date: _____ Removal Date: _____

Fire/EMS - \$500 ; Police - \$880

Entertainment (Detail type, bands, DJs, dancers, clowns, etc) LIVE MUSIC - STORMBRINGER

Parking Plan (please be detailed and include on site map): Along Corey Ave (except 300 Block),
Paradise Lights & Wells Fargo after 6pm

Food and Beverage:

Will alcohol be served or sold?

☐ Served

☒ Sold

☐ No Alcohol

Will there be food trucks?

☐ Yes

☒ No

All food trucks must be registered with the city.

If yes, please list the truck/trailer vendors

1. _____ St Pete Beach Food Truck Permit # _____
2. _____ St Pete Beach Food Truck Permit # _____
3. _____ St Pete Beach Food Truck Permit # _____
4. _____ St Pete Beach Food Truck Permit # _____
5. _____ St Pete Beach Food Truck Permit # _____

If you need additional space to list more food trucks please attached an additional sheet listing name of truck and the permit number.

Other Food Vendors that are not a truck or trailer: an outdoor cooking permit is required for those listed below. Please include the outdoor cooking permit application/s with the event permit

NONE

List all other vendors (art, crafts, clothes, etc)

N/A

Event Equipment – All equipment below other than a 10x10 tent requires a temporary structure permit. Please include the temporary structure permit for each piece of equipment listed below with the event application.

Tents: Please list number of tents and size of each and include location on the site plan.

Stage/Platforms: Please list dimensions, scaffolding, etc and include location on the site plan

16' X 16' X 6"

LOCATED NEAR CHILL

Vehicle on the Beach Permits

Do you need to have a vehicle on the beach for your event?

☐ Yes

☒ No

If Yes, please include a vehicle on the beach permit application with the event application

Street Closures

Does Event require any Road or Sidewalk Closures?



Yes



No

If yes, you must include all the details in the site plan including streets and times

Road 300 BLK COREY Start Intersection BOCA CIEGA End Intersection BLIND PASS Date 3/05/2019 Times 4:30 - 12:30 am
(12:30?)

Staff recommends music stops at 10pm due to the noise ordinance & Tuesday night

Signage/Banners – Please list number, size and placement of each banner that you plan to use to promote the event. If requesting to hang a banner over 75th Ave, a FDOT permit is required and request must be made at least 90 days before the event.

N/A

City Equipment – Please indicate the number needed for your event, if none, please put a zero (0).

 Barricades

(we'll use Sunday MKt. barricades)

 Cones

☒ Trash Bins

(10)

As the Applicant, I hereby accept and understand the responsibility to oversee all contractors, vendors, or parties affiliated with the event and to insure compliance with the special event guide, the event rules guidelines, requirements for tents and all policies, rules, regulations, and code provisions of the City of St. Pete Beach. I understand that any violations may result in immediate cancellation and revocation of the Event permits. I further certify that all the facts contained in this request are accurate.

No advertising for the event shall occur until this Special Event permit has been approved by City staff and Commission.

If any information is found to be false, incomplete or misrepresented, such fact is just cause for the immediate revocation of any permit issued. In addition, failure to correct any on-site conditions or code violation as identified by City Staff will result in revocation of the permit and/or code enforcement fines.

For events on Public property, I agree to obtain and furnish the City of St. Pete Beach with a certificate of general liability insurance in the amount of at least one million dollars (\$1,000,000) or greater as deemed satisfactory by the city. The insurance must name the City of St. Pete Beach as an additional insured.

I understand incomplete application or any outstanding financial obligations with any department within the City of St. Pete Beach may result in a denial of my request.

Yvonne Marcus

Print Name

Yvonne Marcus

Signature

COREY AREA BUSINESS ASSOC

Corporation Name (if applicable)

01/24/2019

Date

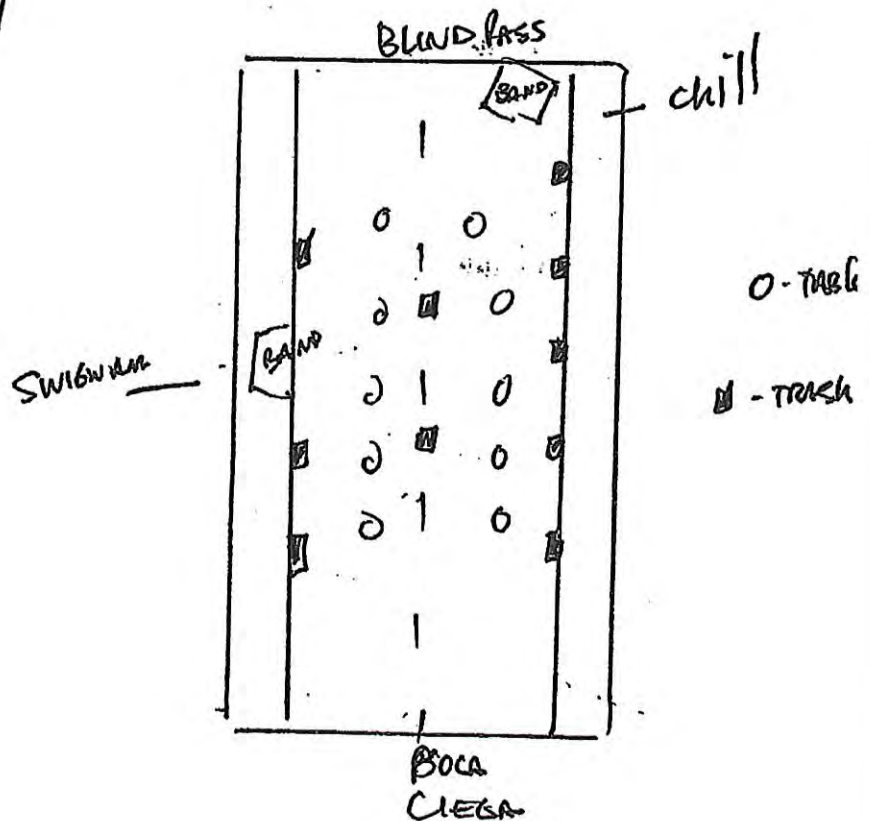
STAGE IS 8' X 16' IN FRONT OF CHILL ON STREET
SWIGWAM BAND WILL SETUP ON SIDEWALK IN FRONT
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10 TRASH CANS FROM CITY SPACED EQUALLY ON STREET

10 TABLES FOR PEOPLE TO STAND AT.

CHILL BAND 7PM - 10

SWIG BAND 3 or 4 - 7



MARDI GRAS
2019.

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

Issue Considered: Request approval of the quote from Cribb Philbeck Weaver Group, in the amount of \$24,150.00 for the demolition of the structures located at 305 73rd Avenue.

Date: February 26, 2019

Prepared By: Mike Clarke, Public Works Director

Through: Wayne Saunders, City Manager

Summary of Issue: On December 14th, 2018, the City acquired the property located at 305 73rd Avenue. The structures located on this property are to be demolished and are in a state of accelerated decay. The City solicited three quotes for this scope of work, and CPWG's quote was the lowest quote received.

Funding: 001-9618-581-6000

Requested Motion: "I move to approve the quote from Cribb Philbeck Weaver Group, in the amount of \$24,150.00 for the demolition of the structures located at 305 73rd Avenue."

Attachment: Quote from CPWG
Quote Tabulation
Draft Services Agreement

**Reviewed by the
City Manager:** WS



Exhibit "B"

**TASK ORDER FORM - CONTINUING CONTRACT FOR
PROFESSIONAL SERVICES**

<i>Date of Task Order Request</i>	28 January 2019
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<i>Firm Selected for Task</i>	CPWG
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<i>Task (Project) Name</i>	Construction Management and demolition of 305 73 rd
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<i>Task Description (and other relevant details)</i>	Provide coordination, bidding, permitting, capping utilities, demolition and rough grade and seeding. Demolition services \$20,150.00 CM Services \$4,000.00
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<i>Task Budget</i>	\$24,150.00
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<i>Task Proposal Due Date</i>	As soon as Task Order is executed
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Thank you for your efforts on behalf of the City of St. Pete Beach. If there are any questions or additional information needed, please contact the City Public Services Department at 727.363.9243.

Wayne Saunders
City Manager
City of St. Pete Beach

Acknowledgement of Task Order:

_____ 8/22/18 (Name)

_____ CPWG (Firm)



Quote Results - 305 73rd Avenue Demolition

	Jam 520	MBR Wrecking Inc.	CPWG
Quote Totals	\$ 29,980.00	\$ 34,800.00	\$ 24,150.00

CITY OF ST. PETE BEACH, FLORIDA
SERVICES AGREEMENT

Demolition – 305 73rd Avenue

This is an Agreement (the “Agreement”) entered into by and between the City of St. Pete Beach (hereinafter "City") and Cribb Philbeck Weaver Group, Inc. (hereinafter "Contractor"). The City and Contractor together shall be referred to as the “Parties.”

WHEREAS, the City Commission authorized the selection of Contractor at its February 26th, 2019 public hearing; and

WHEREAS, City desires to purchase from Contractor the services described in this Agreement; and

WHEREAS, Contractor is in the business of providing the services described herein, and has submitted an appropriate proposal to the City to provide the same; and

WHEREAS, this Agreement has been properly approved by the appropriate authority of the City and the Contractor.

NOW, THEREFORE, upon the mutual covenants contained herein, and other good and valuable consideration in the sum of Twenty Nine Thousand Nine Hundred Eighty dollars (\$29,980.00) to be paid by the City to Contractor as herein provided, the sufficiency of which is hereby acknowledged, the Parties hereto hereby agree to the following:

1. The foregoing recitals are true and correct, and incorporated herein by reference.
2. Public Records: Contractor shall abide by the legal requirements set forth in Florida Statutes, Section 119.0701 and incorporated herein as Exhibit “A”. **IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTORS’ DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (CITY CLERK, CITY OF ST. PETE BEACH, FLORIDA, 727-363-9220, CITYCLERK@STPETEBEACH.ORG, 155 CORRY AVENUE, ST. PETE BEACH, FLORIDA 33706).**
3. City hereby agrees to purchase, and Contractor hereby agrees to provide, the services described in the proposal attached hereto and incorporated herein as Exhibit “B”.
4. Contractor shall provide the services, described herein no later than 60 days from Notice to Proceed.
5. Time is of the essence in the performance of this Agreement. City shall be entitled to

liquidated damages in the amount of \$500 per day, for each day after the date set forth in paragraph 4 herein that Contractor has failed to properly and completely provide all of the services specified herein. Contractor specifically acknowledges that the foregoing sum is reasonable and does not constitute a penalty.

6. Upon Contractor's full performance of the services, or in accordance with the payment schedule provided in the attached proposal, City shall pay Contractor as per the Unit Prices listed in the Bid Schedule, as full consideration for services provided in this Agreement and more specifically in Exhibit "B."

7. City may terminate this Agreement upon thirty (30) days prior notice to the Contractor. In the event of termination, the Contractor shall be paid as compensation in full for work performed to the day of such termination, an amount prorated in accordance with the work substantially performed under this Agreement as determined by the City. Such amount shall be paid by the City after inspection of the work to determine the extent of performance under this Agreement, whether completed or in progress.

8. Contractor agrees to procure and maintain all permits and licenses which may be required by law in connection with the prosecution of the services contemplated hereunder, except for those permits obtained by the City. Notwithstanding the provisions above, the Contractor shall be responsible for non-compliance of all permit requirements, including all fines resulting from Contractor's non-compliance of said requirements.

9. Contractor agrees to permit any representative(s) of the City, at all reasonable times, to inspect the work in progress or any of the materials used or to be used in connection therewith, whether such work is located on or off the project site, and to furnish promptly, without additional charge, all reasonable facilities, labor and materials deemed necessary by the City's personnel, to conduct such inspections and tests as it may require.

10. Contractor fully warrants that all services provided herein have been provided in a good and workmanlike manner. Contractor guarantees said services for a period of 18 months from the date of final performance. Contractor shall provide all labor and materials necessary to repair any defective workmanship reported to Contractor within said guarantee period.

11. To the extent that this Agreement requires Contractor to provide any services of any kind, Contractor and all of Contractor's subcontractors shall maintain public liability insurance in a combined single limit for bodily injury and property damage in the amount of not less than \$1,000,000.00, satisfactory to the City Manager, naming the City as an additional insured and providing coverage up through and including the final performance of any services provided herein. Contractor and all of Contractor's subcontractors shall maintain in full force and effect a policy of worker's compensation insurance for all of Contractor's employees in accordance with applicable state and federal law. Said insurance coverage shall include employer's liability with a single limit of \$100,000.00 per accident or occurrence. Contractor shall present City with a certificate for all of the foregoing insurance, at the time of executing this Agreement and at such other times requested by the City. The Contractor waives all rights against the City, the City's consultants, separate contractors, if

any, and any of its subcontractors, agents and employees, for any and all damages caused to the extent covered by insurance described herein and obtained pursuant to this Section or other property insurance applicable to the services and products provided under this Agreement. The City shall require of the Contractor, Contractor's consultants, separate contractors, if any, and the subcontractors, sub-subcontractors, agents and employees of any of them, by appropriate agreements, written where legally required for validity, similar waivers each in favor of other Parties enumerated herein. The policies shall provide such waiver of subrogation by endorsement. A waiver of subrogation shall be effective as to a person or entity even though that person or entity would otherwise have a duty of indemnification, contractual or otherwise, did not pay the insurance premium directly or indirectly, and whether or not the person or entity had an insurable interest in the property damaged.

12. In consideration of the payment of ten dollars as part of the above purchase price, Contractor shall indemnify, defend and hold the City harmless for itself, its employees, agents and assigns, from and against any and all losses, claims, damages, suits, actions, or demands, including attorneys' fees and costs of litigation through all appellate proceedings, arising from the performance or non-performance of this Agreement, whether caused in part by the City or not.

13. This Agreement shall be binding upon the Parties, their successors, assigns, and legal representatives. Contractor shall not assign or otherwise transfer any of the rights or duties under this Agreement, without the express written consent of the City.

14. This document and exhibits embody the entire Agreement of the Parties. There are no promises, terms, conditions, or representations binding on either party hereto, other than those contained herein; and this document shall supersede all previous communications, representations, and/or agreements between the Parties hereto, whether written or oral. This Agreement may be modified only in writing executed by all Parties. This Agreement shall be construed according to the laws of Florida, and venue for any action arising herefrom shall be held in a court of competent jurisdiction located in Pinellas County, Florida.

15. The following Exhibits shall be attached, incorporated and made a part of this Agreement:

- a. Florida public records law (Exhibit "A")
- b. Contractor's proposal (Exhibit "B")

16. The prevailing party in any action to enforce or interpret this Agreement shall be entitled to reasonable attorney fees incurred through all appellate proceedings.

17. Contractor hereby acknowledges that the person executing this Agreement on behalf of Contractor has the full authority to do so and to bind Contractor to the terms hereof.

18. Any and all notices sent pursuant to this Agreement shall be given in writing via certified mail or overnight courier and shall be delivered to the following addresses:

As to Contractor:
CPWG
J. Greg Hass
Director of Construction
3918 N. Highland Avenue
Tampa, FL 33603

As to City:
City Manager
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

19. To the extent that any terms in the attached proposal conflict with the terms of this Agreement, the terms of this Agreement shall control and supersede such conflicting terms in the attached proposal, to the extent of such conflict.

20. This Agreement may be amended or modified only in writing signed by all Parties hereto. This Agreement shall not be modified by any oral statement, communication, agreement, course of conduct, or by anything other than a writing signed by the Parties.

21. Neither party to this Agreement shall be responsible for any delays or failure to perform any provisions of this Agreement if such delay or failure is caused by reason of force majeure. The term "force majeure" as used herein shall mean, but shall not be restricted to, acts of God or of the public enemy, insurrection, riots, strikes, epidemics, quarantine restrictions, embargoes, acts of government authorities, fires, floods and severe weather. This provision does not automatically entitle the contractor or vendor to any cost increase change orders related to costs of materials. All change orders will be reviewed on a case-by-case basis.

22. This Agreement may be executed by the Parties in counterpart originals with the same force and effect as if fully and simultaneously executed as a single original document. In addition, facsimile copies shall be accepted in lieu of an original. The "Effective Date" of this Agreement shall be the date this Agreement has been executed by all Parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year set forth below.

CPWG

City of St. Pete Beach:

Signature: _____

Signature: _____

By: _____

By: _____

Its: _____

Its: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

Andrew Dickman
City Attorney

ATTEST:

Rebecca C. Haynes
City Clerk

EXHIBIT “A”

Florida Public Records Law

119.0701 Contracts; public records; request for contractor records; civil action. —

(1) DEFINITIONS. —For purposes of this section, the term:

(a) “Contractor” means an individual, partnership, corporation, or business entity that enters into a contract for services with a public agency and is acting on behalf of the public agency as provided under s. 119.011(2).

(b) “Public agency” means a state, county, district, authority, or municipal officer, or department, division, board, bureau, commission, or other separate unit of government created or established by law.

(2) CONTRACT REQUIREMENTS. —In addition to other contract requirements provided by law, each public agency contract for services entered into or amended on or after July 1, 2016, must include:

(a) The following statement, in substantially the following form, identifying the contact information of the public agency’s custodian of public records in at least 14-point boldfaced type:

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (telephone number, e-mail address, and mailing address).

(b) A provision that requires the contractor to comply with public records laws, specifically to:

1. Keep and maintain public records required by the public agency to perform the service.
2. Upon request from the public agency’s custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the public agency.
4. Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the contractor or keep and maintain public records required by the public agency to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency’s custodian of public records, in a format that is compatible with the information technology systems of the public agency.

EXHIBIT “B”

[Place Contractor’s Proposal behind this page]

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

Issue Considered: Request approval of the Task Order under the Continuing Engineering Services Contract with Kimley-Horn and Associates, Inc., in the amount of \$22,000.00 for Lift Station Emergency Equipment Details and Specifications.

Date: February 26, 2019

Prepared By: Mike Clarke, Public Works Director

Through: Wayne Saunders, City Manager

Summary of Issue: The City requested a task order from Kimley-Horn and Associates, Inc. to provide general engineering services to generate a standard detail for modifying the City's 14 lift station for emergency equipment. This equipment, which was identified during the FY18 engineering study on the City's emergency power requirements at these lift stations, may include backup generators or bypass pumps.

The result of the provided task order will be details and specifications for any required control panel modifications and the equipment selected by the City, along with probable costs for purchase of the selected equipment.

Funding: 101-6107-535-5637

Requested Motion: "I move to approve the Task Order under the Continuing Engineering Services Contract with Kimley-Horn and Associates, Inc., in the amount of \$22,000.00 for Lift Station Emergency Equipment Details and Specifications."

Attachment: Task Order from Kimley-Horn and Associates, Inc.

**Reviewed by the
City Manager:**

WS



INDIVIDUAL PROJECT ORDER
February 12, 2019

Describing a specific agreement between Kimley-Horn and Associates, Inc. (the Engineer), and the City of St. Pete Beach (the City) in accordance with the terms of the Master Agreement for Continuing Professional Services dated in 2017, which is incorporated herein by reference.

IDENTIFICATION OF PROJECT:

Lift Station Emergency Equipment Specifications

GENERAL CATEGORY OF SERVICES:

Under this IPO, the Engineer will provide general engineering services for recommendations of emergency equipment and associated modifications of the City's fourteen (14) duplex lift stations (Lift Station 4 – 17) which includes mobile (trailer-mounted) backup generators and bypass pumps. The work to be included is described in the specific scope listed in Task 1 below.

Task 1 – Detail and Specifications

- A. The Engineer will provide up to (2) equipment recommendations for mobile backup generators and up to (2) equipment recommendations for mobile bypass pumps. The equipment selection will evaluate purchase of new versus used equipment, ease of use, security, and accessibility. The Engineer will prepare a brief technical memorandum outlining the equipment recommendations evaluated. The technical memorandum will be provided to the City in PDF format. The engineer will provide a Draft and Final submittal the technical memorandum. One round of City comments will be addressed.
- B. The Engineer will provide a detail and specifications for any required control panel modifications and the equipment selected by the City. Detail and Specifications are also intended to be incorporated in the Sanitary Sewer projects being designed in 2019. Individual construction plans and specifications for each duplex lift station will not be provided.
- C. The Engineer will attend one (1) meeting with the City during the design process to discuss and review the project.
- D. The Engineer will provide an opinion of probable construction cost (OPC) for the equipment recommendations. Disclaimer: The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to the Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.
- E. The Engineer's Electrical sub-consultant will provide the following services:
 - a) Assist with the equipment selection
 - b) Provide Schematic showing modifications to the control panel for power hook-up
 - c) Provide Specifications for the electrical and control systems

FEE AND BILLING

Kimley-Horn will provide the services outlined in Task 1 above for a Lump Sum fee of \$22,000.00. Invoicing and payment will be in accordance with the terms and conditions of the Design Services Contract between the City of St. Pete Beach and Kimley-Horn and Associates, Inc. (Kimley-Horn) dated, dated in 2017.

The following task items represent a breakdown of the lump sum amount for reference:

Task 1 – Detail and Specifications	\$22,000.00
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Lump Sum Fee:	\$22,000.00
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ADDITIONAL SERVICES (if required):

Services requested that are not specifically included will be provided under a new and separate IPO agreement.

METHOD OF COMPENSATION:

Services under this IPO will be provided as a lump sum basis. Invoices will be prepared based on a percentage completion of the design of the project.

OTHER SPECIAL TERMS OF IPO:

Services provided under this will be invoiced on a monthly basis. All invoices will include a description of services provided.

ACCEPTED:

THE CITY OF ST. PETE BEACH, FLORIDA

KIMLEY-HORN AND ASSOCIATES, INC.

BY: _____

BY:  W. Wade Wood

TITLE: _____

TITLE: Associate

DATE: _____

DATE: 02/12/2019

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

Issue Considered: Request approval of the Task Order under the Continuing Engineering Services Contract with Kimley-Horn and Associates, Inc., in the amount of \$25,000.00 for the City's Coastal Resiliency Plan.

Date: February 26, 2019

Prepared By: Mike Clarke, Public Works Director

Through: Wayne Saunders, City Manager

Summary of Issue: The City requested a Task Order from Kimley-Horn and Associates, Inc. to provide general engineering services to identify funding sources available for the City's evolving resiliency program. The goal of this program is to evaluate available national, state and local resources available and identify grant funding sources, including application requirements and deadlines. In addition, areas within the City limits that are vulnerable to flooding due to storm events and sea level rise will be identified through a flooding vulnerability assessment.

Funding: Stormwater Resiliency
103-6108-537-5667

Requested Motion: "I move to approve of the Task Order under the Continuing Engineering Services Contract with Kimley-Horn and Associates, Inc., in the amount of \$25,000.00 for the City's Coastal Resiliency Plan."

Attachment: Task Order from Kimley-Horn and Associates, Inc.

**Reviewed by the
City Manager:** 



INDIVIDUAL PROJECT ORDER (IPO)

September 20, 2018

Describing a specific agreement between Kimley-Horn and Associates, Inc. (the Engineer), and the City of St. Pete Beach (the City) in accordance with the terms of the Master Agreement for Continuing Professional Services dated in 2017, which is incorporated herein by reference.

IDENTIFICATION OF PROJECT:

Coastal Resiliency Plan (CRP): Funding and Flooding Vulnerability

GENERAL CATEGORY OF SERVICES:

Under this IPO, the Engineer will provide general engineering services to identify funding sources available for the City's evolving resiliency program. The goal of this program is to evaluate available national, state and local resources available and identify grant funding sources, including application requirements and deadlines. In addition, areas within the City limits that are vulnerable to flooding due to storm events and sea level rise will be identified. The work to be included is described in the specific scope listed in Tasks 1- 4 below.

Task 1 – Kickoff Meeting and City Coordination

The Engineer will participate in a kick-off meeting with the City to review the goals and objectives of the project, as well as to review the scope and schedule. The Engineer will assist in developing the Vision and Mission statement of the City's Coastal Resiliency Plan (CRP) during the coordination meeting.

Task 2 – Funding Research & Matrix of Funding Opportunities

The Engineer will research up to three (3) funding opportunities and prepare a Matrix of Funding Opportunities ("Matrix") of potential funding pursuits that would assist in offsetting the cost of projects geared towards resiliency and protection against sea level rise. The Matrix will provide information such as the name of the funding source; description of possible use of the funds; grant or loan; specific terms/conditions; and next deadline for submittal.

This task does not include the preparation of any grant applications. A new IPO will be created in the future once specific grants are selected by the Client to be pursued.

Task 3 – Flooding Vulnerability Assessment

Based on the City's current GIS data, the Engineer will project flood risk derived from the 25-year and 100-year storm events in combination with sea level rise scenarios. The flood depths will be overlain on aerial maps, compared with any highwater marks or known areas of flooding to help correlate the results. The scenarios will include:

- Flood depths for 2 events with no sea level rise
- Flood depths for 2 events with sea level rise with low/medium/high projections

The Engineer will project flood risk derived from the 25-year, and 100-year precipitation events in combination with sea level rise scenarios listed above.

Task 4 – Technical Memorandum

The Engineer will prepare a technical memorandum that summarizes the results of Tasks 1-3. Aerial maps generated from Task 4 will be included as an appendix. One round of comments provided by the City on the technical memorandum will be addressed by the Engineer.

PROJECT DELIVERABLES

- Kick Off Meeting Minutes;
- Draft Technical Memorandum; and
- Final Technical Memorandum.

The City shall provide and complete the following:

- Review and comment on the deliverables; and
- Attend and participate in project meetings.

FEE AND BILLING

Kimley-Horn will provide the services outlined in Tasks 1- 4 above for a Lump Sum fee of \$25,000.00. Invoicing and payment will be in accordance with the terms and conditions of the Design Services Contract between the City of St. Pete Beach and Kimley-Horn and Associates, Inc. (Kimley-Horn) dated, dated in 2017.

The following task items represent a breakdown of the lump sum amount for reference:

Task 1 – Kickoff meeting and City Coordination	\$ 2,500.00
Task 2 – Funding Research & Matrix of Funding Opportunities	\$ 7,500.00
Task 3 – Flooding Vulnerability Assessment	\$10,000.00
Task 4 – Technical Memorandum	\$ 5,000.00
TOTAL LUMP SUM FEE	\$ 25,000.00

ADDITIONAL SERVICES (if required):

Services requested that are not specifically included will be provided under a new and separate IPO agreement.

METHOD OF COMPENSATION:

Services under this IPO will be provided as a lump sum basis. Invoices will be prepared based on a percentage completion of the project.

OTHER SPECIAL TERMS OF IPO:

Services provided under this will be invoiced on a monthly basis. All invoices will include a description of services provided.

ACCEPTED:

THE CITY OF ST. PETE BEACH
FLORIDA

BY: _____

TITLE: _____

DATE: _____

KIMLEY-HORN AND ASSOCIATES, INC.

BY:  _____
Wayne White, PE

TITLE: Associate _____

DATE: 9/20/2018 _____

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

Issue Considered: Agreement for Lobbyist Services with Suskey Consulting, LLC.

Date: February 26, 2019

Prepared By: Wayne Saunders, City Manager

Summary of Issue: The City advertised a Request for Qualifications (RFQ) for lobbyist services and received six responses. The City Commission reviewed the responses at the February 12th, 2019 meeting, selected Suskey Consulting, LLC and directed staff to negotiate an agreement for the Commission's consideration. Attached is the proposed agreement.

Funding: Reserves

Requested Motion: "I move to enter into an agreement with Suskey Consulting, LLC as presented with an effective date of February 26th, 2019."

Attachment: Agreement

**Reviewed by the
City Manager:** WS



This letter of Agreement ("Agreement") is intended to set forth our understanding as to the nature, scope and term of the services our firm ("Suskey") has agreed to render for CITY OF ST PETE BEACH ("City") in the state of Florida, our fee for these services, and the manner in which these fees and related expenses will be billed.

WHEREAS, the City issued a request for qualifications ("RFQ") on January 18, 2019 for Lobbyist Services, a copy of which is attached as Exhibit "A" and incorporated herein; and

WHEREAS, Suskey responded to the City's RFQ in a timely manner, a copy of which is attached as Exhibit "B" and incorporated herein; and

WHEREAS, the City Commission voted on February 12, 2019 to select Suskey as the firm to perform said lobbyist services.

NOW, THEREFORE, in consideration of the aforementioned recitals, which are incorporated herein and made a part hereof by this reference, the mutual covenants and conditions contained herein, and other good and valuable consideration, the sufficiency of which is acknowledged by the parties, Suskey and the City agree to the following:

1. **TERM AND TERMINATION OF THE AGREEMENT.** This Agreement shall be effective from February ____, 2019 to January 31, 2020. After the term date of this Agreement, the Agreement shall automatically renew unless cancelled by either party.
2. **SCOPE:** In addition to the RFQ, Suskey Consulting will provide the following services. i) assist the City to develop legislative priorities and action plan, ii) provide consulting and government relations services to the City before the Florida Executive and Legislative branches, and other entities on issues related to the City's infrastructure and other funding needs, and iii) provide routine communication to the City pertaining to the Scope through the City Manager and City Attorney or directly to the City Commission as requested.
3. **FEE:** The monthly fee for services is **\$2,500.00**. Suskey will invoice in advance of each contract month and this fee covers our consulting services and those of our independent consultants. Invoice must be paid within 60 days of invoice date or a late fee of \$250 will be charged on the 61st day. All payments should be remitted to P.O. Box 102 Tallahassee, FL, 32302.
4. **EXPENSES.** The monthly fee for service does not include incidental expenses incurred as a result of our representation which are billed a month behind. As is customary, expenses will not exceed \$250 per month without prior approval and will cover, but not be limited to lobbying

registration, travel, entertainment, copying, long distance, fax charges and extraordinary postage, freight, or courier services.

5. **CONFLICT & CONFIDENTIALITY.** It should also be noted that Suskey Consulting, LLC does or may represent other clients regarding the same or similar issues or areas of policy interest as City. Suskey Consulting has a policy of declining representation of clients when that representation would immediately create a direct conflict with other clients. You have retained Suskey Consulting for representation as outlined above, and we know of no conflicts with our current clients. In order to ensure the candor and trust in our relationship that forms the basis of effective representation, it is the policy of Suskey Consulting to keep confidential all information about your business interests and strategies. Because information is our stock in trade and because advancing your interests may depend on it, we ask that you also keep confidential any information we may share with you regarding political strategy, insight, information, or analysis, to the extent allowed under Florida law.

6. **REPORTING.** We will remain available at all times to meet for updates or to respond to conference calls regarding activities undertaken on behalf of the City. Suskey shall coordinate directly with the City Manager and City Attorney.

7. **ETHICAL & LEGAL CONSIDERATIONS.** Suskey agrees to comply with all applicable local, state and federal laws, rules and regulations in its representation of the City under this agreement. This includes lobbyist registration and reporting requirements as outlined in Florida Statutes Sections 112.3215 (5).

8. The aforementioned provisions outline our firm's standard representation agreement. We welcome any changes you may suggest. We look forward to working with you. Should you find these terms agreeable, please sign this letter below and return one original to me. You can be assured that all services will be performed in a competent and professional manner, in strict conformity with applicable law and with due diligence to the preservation of the goodwill and reputation of City.

9. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such counterpart. In addition, facsimile or electronic mail copies shall be accepted in lieu of an original.

[THIS SPACE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE TO FOLLOW.]

IN WITNESS WHEREOF, the Parties have executed this Agreement on the Effective Date.

Accepted By:
SUSKEY CONSULTING

Accepted By:
CITY OF ST PETE BEACH

Authorized Signature

Authorized Signature

Printed Name/Title/Date

Printed Name/Title/Date

CITY OF ST PETE BEACH 's Billing Contact, address and email address:

EXHIBIT “A”

RFQ

**REQUEST FOR QUALIFICATIONS (RFQ)
FOR
LOBBYIST SERVICES**

The City of St. Pete Beach ("City") is seeking statements of qualifications for the purpose of selecting a lobbyist to provide services representing the City in such matters as, but not limited to, funding for municipal projects and legislative priorities. All interested parties must register their name, email address, address and telephone number with the City to receive any future changes, additions, addendums or notices concerning this RFQ.

Advertisement Date: January 18, 2019

Due Date: **February 1, 2019 @ 2:00 p.m.**

Contact: Wayne Saunders, City Manager
155 Corey Avenue
St. Pete Beach, FL 33706
wsaunders@stpetebeach.org
(727) 363-9231

Any qualified individual or firm ("lobbyist") desiring to provide the required professional lobbyist services must submit one (1) original, five (5) copies and one (1) digital copy on CD or memory stick in Adobe PDF format in a sealed envelope clearly marked "**RESPONSE TO REQUEST FOR QUALIFICATIONS FOR LOBBYIST SERVICES.**" Sealed envelopes will be accepted until **2:00 p.m., local time, on February 1, 2019** at the office of the City Clerk located at St. Pete Beach City Hall, 155 Corey Avenue, St. Pete Beach, Florida 33706, at which time the sealed statements will be opened and evaluated. To facilitate effective evaluation by the City, response shall be limited to no more than a total of fifty (50) pages. Forms required by this RFQ, Appendix documentation and front and back covers will not be counted toward the page limit. All questions shall be emailed to the contact listed above and, all questions will be answered in writing and made available to all parties via the City's Website (www.stpetebeach.org) under the "City Projects" section. No responses shall be accepted after the due date referenced above. Evaluation and selection will occur in accordance with the appropriate requirements at a time and place to be determined. The City reserves the right to reject any and all submittals, to waive any technical defects, and to accept any submission, which in the opinion of the bidding authority, is in the best interest of the City. This RFQ and all submissions are subject to the City Charter and Code of Ordinances.

An evaluation and recommendation committee ("committee") appointed by the City Manager will evaluate each of the respondent's submittals against evaluation criteria. If necessary, the committee may reduce the total number of submittals to a qualified short-list of individuals and firms using the evaluation criteria. Short-listed individuals and firms may be invited to make presentations for final evaluation.

Scope of Services

The selected lobbyist shall assist the City in preparing its annual legislative priorities and plan; advise, counsel, and represent the City in pursuing funding for municipal projects and furthering the City's legislative priorities. The City may require the selected lobbyist to pursue initiatives and funding at local, state and federal levels of government, consistent with the City's legislative priorities and plan, and as specifically directed by the City. The selected lobbyist must have current knowledge of legislative and other governmental trends and topics, and keep the City informed of these, particularly those related to the City's legislative priorities and plan.

Selection Procedure

The City Commission shall be responsible for selecting the most qualified lobbyist. The Commission may request additional or clarifying information from any responder. Lobbyists may be invited to appear in front of the City Commission for oral presentations and/or discussion. In general, the selection will be based on the following:

1. Qualifications of the lobbyist and its personnel
2. Experience and prior/current performance with the City and similarly situated local municipalities; and
3. Quality of the response from the local government client references.

Response must demonstrate: knowledge of the locality; should be both thorough and concise, detailing experience, personnel, and references relative to the RFQ; and demonstrate the ability to provide any required services.

Once the Commission selects the lobbyist deemed to be the most qualified, the Commission and/or staff shall negotiate an agreement for services. If an agreement cannot be reached, the Commission may select the next most qualified respondent for negotiations.

Proposal Package

Respondents must demonstrate the following:

1. Knowledge of the City;
2. Proven relationship with local, state, and federal officials and agencies.; and
3. Ability to design and execute a lobbying effort for the City based on the City's legislative priorities and plan.

The Proposal Package shall contain the following information:

1. Cover Letter and Contact Sheet.
2. Qualifications and Experience.
3. Evidence of required Licenses/Certifications/Certificates of Insurance to legally provide services requested.

4. Three (3) current references directly related to the requirements of this RFQ. (Letters of reference are highly preferred by the City.)
5. Samples of Successes.
6. Governmental relationships with Agencies and Officials.
7. Public Entity Crimes Statement.
8. Current Client List.

Timetable for Selection and Review:

- January 18, 2019 RFQ issued
- January 25, 2019 – 4pm Deadline for RFQ questions
- February 1, 2019 – 2pm Deadline to submit RFQ's

General Terms and Conditions

1. Professional Services Agreement. The selected lobbyist shall enter into an Agreement with the City containing at a minimum the terms and conditions listed in this RFQ. The initial term of the agreement will be for one (1) calendar year, with the ability to renew for two (2) additional one (1) year terms.
2. Fund Availability. Any agreement resulting from this solicitation is deemed effective only to the extent that funds are available. The City abides by the provisions set forth in Florida Statutes relative to the appropriation of funds.
3. Professional Regulation. Attach a copy of the current Florida Lobbyist registration documentation.
4. Taxes. The City does not pay Federal excise or State sales taxes. Please refrain from including taxes in any billing resulting from an agreement issued under this RFQ document.
5. Governing Laws and Venue. Any contractual arrangement between the City and the lobbyist shall be consistent with, and be governed by, the ordinances of the City, the laws of the State of Florida, both procedural and substantive, and applicable federal statutes, rules, and regulations. Any and all litigation arising under any contractual arrangement shall be brought in the appropriate court in Pinellas County, Florida.
6. Conflict of Interest. All proposers must disclose, with their proposal, the name of any corporate officer, director, or agent who is also an officer or employee of the City. Furthermore, all proposers must disclose the name of any City of St. Pete Beach officer or employee who owns, directly or indirectly, any interest of the lobbyist's firm or any of its branches, subsidiaries, or partnerships. List any clients of the lobbyist that may present a conflict with the City and its legislative priorities and plan.
7. Additional Terms and Conditions. No additional terms and conditions included with the proposal response shall be evaluated or considered, and any and all such additional terms and

conditions shall have no force and effect and are inapplicable to this solicitation, unless agreed to by the City in writing. If submitted either purposely, through intent or design, or inadvertently, appearing separately in transmitting letters, specifications, literature, price lists, or warranties, it is understood and agreed the general and special conditions in this solicitation are the only conditions applicable to this RFQ and the respondent's authorized signature affixed to the response's signature section attests to this.

8. Indemnification. The lobbyist agrees to assume liability for and indemnify, hold harmless, and defend the City, its commissioners, mayor, officers, employees, agents, and attorneys of, from, and against all liability and expense, including reasonable attorney's fees, in connection with any and all claims, demands, damages, actions, causes of action, and suits in equity of whatever kind or nature, including claims for personal injury, property damage, equitable relief, or loss of use, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the lobbyist, its agents, officers, contractors, subcontractors, employees, or anyone else employed or utilized by the lobbyist in the performance of this RFQ and subsequent agreement. The lobbyist's liability hereunder shall include all attorney's fees and costs incurred by the City in the enforcement of this indemnification provision. This includes claims made by the employees of the lobbyist against the City and the lobbyist hereby waives its entitlement, if any, to immunity under Section 440.11, Florida Statutes. The obligations contained in this provision shall survive termination of this RFQ and subsequent agreement and shall not be limited by the amount of any insurance required to be obtained or maintained under this RFQ and subsequent agreement. Nothing contained in the foregoing indemnification shall be construed as a waiver of any immunity or limitation of liability the City may have under the doctrine of sovereign immunity or Section 768.28, Florida Statutes.
9. Insurance. Include in submittal proof of Insurance furnished by the lobbyist's carrier to guarantee the lobbyist is insured. The awarded lobbyist must file with the City certificates of insurance prior to commencement of work evidencing the City as a certificate holder as additionally insured with the following minimum coverage:
 - Public and Commercial Liability Insurance not less than \$1,000,000.00.
 - Comprehensive General Liability Insurance of \$1,000,000.00 each occurrence.
 - Personal Injury for \$1,000,000.00 each occurrence.
 - Owner's and Consultant's Protective Liability with the following coverage:
 - Bodily injury liability \$1,000,000.00 each occurrence.
 - Property damage liability \$1,000,000.00 each occurrence.
 - Full Workers Comprehensive Insurance required by Florida Law for all people employed by the contractor to perform work on this project.
 - Automotive Liability (covering the operation, maintenance and all owned, non-owned and hired vehicles, with the following coverage:
 - Bodily injury liability \$1,000,000.00 each occurrence.
 - Property damage liability \$1,000,000.00 each occurrence.

10. **Public Entities Crimes.** A person or affiliate who has been placed on the convicted contractor list, following a conviction for public entity crime, may not submit a proposal on a contract to provide any goods or services to a public entity; may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work; may not submit proposals on leases of real property to any public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in section 287.017, Florida Statutes, in CATEGORY TWO, for a period of thirty-six (36) months from the date of being placed on the convicted contractor list. By signature on this solicitation, the proposer certifies that it is qualified to do business with the City of St. Pete Beach in accordance with all Florida Statutes.
11. **Acceptance of Goods/Services.** Receipt of goods/service shall not constitute acceptance. Final acceptance and authorization of payment shall be given only after a thorough inspection indicates that the performance meets the specifications and/or all conditions. Should the delivered goods/services differ in any respect from the specifications, payment will be withheld pursuant to section 218.70, Florida Statutes, until such time as the successful proposer takes necessary corrective action. If the proposed corrective action is not acceptable to the City, the City may refuse final acceptance of the goods/services.
12. **Additional Information.** The City reserves the right to request any additional information needed for clarification from any respondent for evaluation purposes.
13. **Equal Opportunity.** The City recognizes fair and open competition as a basic tenet of public procurement and encourages participation by minority and women owned business enterprises. All respondents are required to make an affirmative statement as to its support of all applicable equal opportunity and affirmative action requirements.
14. **Lobbying.** Lobbying is defined as any action taken by an individual, firm, association, joint venture, partnership, syndicate, corporation, and/or all other groups who seek to influence the governmental decision of a Board Member, the City Manager, and/or any City Personnel during the solicitation process. The lobbying black-out period commences upon the issuance of this solicitation and concludes upon the signing of the agreement. Proposers shall not contact any City Commission Member and/or any Department/Office personnel other than the contact listed above during said black-out period. All questions and procedural matters shall be directed to the RFQ contact. The City Commissioners and/or the City Manager may disqualify any solicitation response where any Commissioner, the City Manager, and/or City Personnel have been lobbied in violation of the black-out period.
15. **Public Records.** Under Chapter 119, Florida Statutes, all responses to this solicitation shall be considered public record subject to distribution pursuant to this statute. All public records requests shall be submitted to the City Clerk's office by email at cityclerk@stpetebeach.org or by phone at 727-363-9220 or by mail at 155 Corey Avenue, St. Pete Beach, FL 33706.

16. Cost of Submittal. The respondent understands that any and all costs related to the submittal of a proposal is considered an operational cost of the respondent and shall not be passed on to, or be borne by, the City.

EXHIBIT “B”

SUSKEY’S RESPONSE TO RFQ

Consulting and Strategy/Lobbying Services

Prepared for the City of St. Pete Beach



S U S K E Y

CONSULTING, LLC

Appendix

- | Cover Letter & Contact Sheet – pg. 3
- | Qualifications & Experience – pg. 7
- | Certificate of Insurance – pg. 9
- | References – pg. 11
- | Samples of Successes – pg. 14
- | Government Relationships with Agencies & Officials – pg. 15
- | Public Entity Crimes Statement – pg. 20
- | Current Client List – pg. 22

| Cover Letter & Contact Sheet

Suskey Consulting LLC, is pleased to present a proposal to offer consulting and strategy/lobbying services in the legislative and executive branches of government. We understand the City of St. Pete Beach's immediate goal is to defend their legislative position during session in Tallahassee as well as secure appropriations for the infrastructure items through both the state and county. We have established a network of relationships within the legislative, cabinet and governmental agency arena as well as extensive knowledge of policy issues in state government, with unmatched experience in the procurement and appropriations process.

This proposal offers the city a unique opportunity to partner with a team that not only knows the issues of St. Pete Beach but also has relationships throughout Pinellas County and Tampa Bay. Solving the pressing issues in the city will take local support at multiple levels. When government and private businesses have an issue in Tampa Bay, especially in transportation and infrastructure, we are the firm they call for assistance. No other firm in Florida is better suited to work with the city to develop and implement a strategy that includes both local and state support.

Suskey Consulting's founder and President is Alan Suskey. Alan brings strong ties in Florida's government, with strong relationships with legislators from the Tampa Bay Area where the future House Speaker, Chris Sprowls, and current Senate president, Bill Galvano reside. Alan has a long list of legislative accomplishments including appropriations successes and positive policy outcomes for clients. Most importantly to the city, Alan has spent more than a decade building and executing strategies in Tallahassee for clients in Tampa Bay.

RJ Myers, Associate at Suskey Consulting, has been developing relationships in the legislative process for more than 10 years. His work on various campaigns around the state of Florida, in legislative affairs at a Florida's Agency for Workforce Innovation, and as a Legislative Aide in the Florida House has made him knowledgeable in transportation, energy, technology, and health care, and has allowed him to build meaningful relationships with both state and local elected officials. Of particular note, RJ most recently spent 6 years as the Legislative Aide to Representative Kathleen Peters. No one knows the issues of southern Pinellas County better than Mr. Myers.

Donovan Brown has spent his career in government and law and has been active in state and national politics throughout his life. Mr. Brown leads our financial services and insurance practice. Prior to joining Suskey Consulting, LLC as a Vice President, Donovan practiced law for two national law firms in the regulatory, corporate transactional and administrative law areas in conjunction with his lobbying activities.

In closing, we would like to thank you for the opportunity to compete for this contract and we look forward to working with the city.

Alan J. Suskey
President
Suskey Consulting, LLC
(850) 510-8314
AS@suskeyconsulting.com



Alan Suskey President | Lead Lobbyist

Overview

Mr. Alan Suskey will serve as Lead Lobbyist and shall be authorized and responsible with respect to directing, coordinating, and administering all aspects of the services to be provided and performed to the city.

A seventh-generation Floridian, Mr. Suskey has built an advocacy career representing world-renowned research institutes, municipal governments, associations, small businesses, and other clients in Tampa Bay, Tallahassee, and Washington, D.C.

Mr. Suskey previously served on Capitol Hill as the military aide to Congressman Bill Young, former Chairman of the Appropriations Committee and Chairman of the Appropriations Subcommittee on Defense in the United States House of Representatives. His primary focus was on defense, intelligence, and homeland security projects in the Chairman's district of Pinellas County, Florida.

Upon leaving Capitol Hill, Mr. Suskey took a position as the External Affairs Director of SRI International's St Petersburg, Florida Institute. In that role, he was charged with managing federal, state, and local legislative policy to include research-based appropriations requests in excess of \$7M annually. These requests were specifically in support of SRI's Maritime Security Program at the Department of Homeland Security and in coordination with Florida's port leadership and the Florida Ports Council. This program led to the development of an open architecture port security pilot project in Tampa Bay.

In 2010, Mr. Suskey joined former-Congressman David Jolly in founding Three Bridges Advisors, a boutique federal, state, and local advocacy firm. As a member of Three Bridges, Alan worked with a diverse group of federal and state clients, advancing both funding and policy issues in a variety of sectors. He was honored to lead the Tallahassee office for Three Bridges and manage all aspects of the state affairs practice.

Prior to serving on Capitol Hill, Mr. Suskey served honorably in the US Army. During his eight years of service, he held multiple leadership posts to include leading our brave men and women during Operation Iraqi Freedom. He was a member of the initial invasion force in Iraq and subsequently served two year-long tours of duty in Baghdad, Iraq. As a military police non-commissioned officer, he served in several leadership roles training various first responders throughout his career. The recipient of multiple awards for service to our country, including eight Army Commendation Medals and the Valorous Unit Award, Alan was honored as the United States Army Europe "Soldier of the Year" in 2002.

Years of Experience

13 years

Education

B.A., Political Science American
Military University

Previous Experience

Capitol Insight Government,
Governmental Affairs Consultant,
2012-2014

Three Bridges Advisors,
Vice President, 2010-2012

SRI International,
Director of External Relations,
2008-2010

United States Army Staff
Sergeant, 1999-2008

US Congressman, Bill Young
Military Aide, 2006-2008



Donovan Brown Vice President

Overview

Donovan Brown has spent his career in government and law and has been active in state and national politics throughout his life. Prior to joining Suskey as a Vice President, Donovan practiced law for two national law firms where he practiced regulatory, corporate transactional and administrative law in conjunction with his lobbying activities. Donovan also served as regional counsel for state government relations for a national trade association, where he managed government relations and public affairs in numerous states throughout the southeastern United States. Prior to his legal career, Donovan served as special assistant to former Florida Governor Jeb Bush. He also held policy positions in Governor Bush's Office. Most recently, before joining Suskey Consulting, Donovan engaged in governmental affairs, consulting and corporate business development at a firm he founded.

In his role as a Vice President of Suskey Consulting, Donovan represents clients on all matters pending before the legislature and state executive agencies, with a specific focus on regulated industries, including, but not limited to: insurance, health care, transportation, the environment, energy, telecommunications, and education. In addition to his consulting practice, Donovan has held leadership capacities on various state and industry commissions and boards, including serving as the Chair of the Financial Services Council at the Associated Industries of Florida, as well as serving as a member of the Florida Automated Vehicles Policy Work Group.

Well-known and trusted by local, regional and national political and other media outlets, Donovan is frequently sought out by both print, broadcast, and online news reporters to help them assess, analyze, and frame pivotal governmental affairs and regulatory issues.

Donovan is a graduate of the University of Florida's Levin College of Law and also earned his Bachelor of Arts Degree in Business Administration with a minor in Communications from the University of Florida.

He has been named to Florida Trend's Legal Elite, among other legal and community recognitions.

Years of Experience

19 years

Education

J.D., University of Florida

B.A., Business Administration
University of Florida

Previous Experience

GDB Group,
President, 2015-2018

Casualty Insurers Association,
Regional Council, 2012-2014

Foley & Lardner,
Associate, 2010-2011

Akerman, LLP,
Associate, 2007-2010

Executive Office of the Governor,
Special Assistant to Governor Jeb Bush,
2001-2004



RJ Myers Lobbyist | Local Lead

Overview

RJ Myers has been developing relationships in the legislative process for more than 10 years. After graduating Southeastern University with a degree in Public Relations and Journalism, he began working on various campaigns around the state of Florida and moved on to couple that work in legislative and governmental affairs.

RJ's diverse experience has made him knowledgeable in the areas of criminal justice reform, mental health, and budget.

RJ's cyclical campaign work over the past 10 years has left him a veteran, winning over 2 dozen campaigns. This work enabled him to form meaningful relationships with elected officials and their staff around the state.

RJ began his legislative work in the Executive Branch, working at the Agency for Workforce Innovation, during the great recession, where unemployment then was at its highest.

After his time at the Agency for Workforce Innovation, he started his work in the House of Representatives as a Legislative Aide. Working for a Legislator who served as chair of the Energy & Public Utilities Committee, and additionally serving on Judiciary, Transportation Appropriations, and the Government Operations & Technology Appropriation Subcommittee, he gained a deep understanding of the policies and the budgets in these areas.

For the better part of a decade, RJ worked closely with mental health providers, coming to develop a strong understanding of the needs of their budget, and daily operations.

Years of Experience

10 years

Education

B.A., Public Relations and
Journalism Southeastern University
2008

Previous Experience

Florida House of Representatives,
Senior Legislative Aide, 2012-2017

Republican Party of Florida,
Campaign Manager, 2012

SGC,
Government Affairs Assistant,
2011-2012

FL Agency for Workforce Innovation,
Legislative Assistant 2009-2010

| Qualifications & Experience

Suskey Consulting has extensive expertise in helping clients address budget and policy issues that are being debated by the Florida legislature. The members of our firm combine **40+ years** of government, political, technology, and business experience with an unparalleled commitment to the service of our clients. Our expertise and experience and our strong relationships with key leaders in Florida government enables us to successfully represent clients in a rapidly changing political environment.

There are over 2,000 lobbyists currently registered to advocate before the legislative and executive branches of Florida government. Most, if not all, would tell you that they could effectively represent any client. There are firms with hundreds of clients and dozens of lobbyists as well as smaller member firms such as Suskey Consulting. When you meet with our team, you are meeting with the people who directly work on your behalf. As the President of the firm I am committed to ensuring that you receive the best counsel and strategy possible and will personally lead this effort on our behalf.

Suskey Consulting was founded on the principle that Pinellas County businesses and governments deserved a voice in local, state, and federal political matters and decisions. Through our office in St Petersburg, we maintain strong relationships with not only our state legislature, but with the County Commission, various appointed board members, and local leaders.

We understand the city's needs more than any other firm in the state. From transportation projects like Blind Pass Road and Pass-a-Grille Way to the city's pressing wastewater needs, we understand the tourism economies impact on St Pete Beach and stand ready to develop a plan to move the city's agenda forward. We work with the local chamber and tourism agencies on legislative issues both locally and at the state level.

Mr. Suskey has spent over a decade working with the current county commissioners, state legislative leadership, and others from Pinellas County. We are by far the most experienced firm in Pinellas County at both the local and state level. Our relationships are deeper than just surface level working relationships. For example, if the city desired to work with the tourist development council on infrastructure issues, our relationships cannot be overstated. We have not only worked with many of the members, we have counted a number of the TDC members as former colleagues and/or current clients.

At Suskey Consulting, you will not find just another lobbying firm in Tallahassee, but a partner in developing and executing a strategy to succeed. You will find a partner willing to spend time with your staff and management to strategize on new ideas and a proactive approach to meeting goals. We strongly believe that a successful government relations strategy is one that is proactive, whereby we take initiative in developing relationships with key government personnel. You don't need a lobbyist that sits in Tallahassee and waits on the client to call and ask for something. Clients need a lobbyist who is invested in the issue and understands the needs specific to each project and procurement. That is what Suskey Consulting offers, a true partner to help clients develop and implement a vision for the future.

Our staff will provide a full range of professional lobbying services and advocacy before the Florida Legislature, the Governor, the Cabinet, and executive departments, agencies, offices, commissions, and other governmental units of the State of Florida with respect to all matters contained within the city's State legislative agenda.

Suskey Consulting maintains offices in Tallahassee and St Petersburg. We maintain a full-time presence in both offices year-round. Our Tallahassee office is one block from the Capitol with conference space and extra offices for clients to utilize during their trips to Tallahassee.

Suskey Consulting utilizes many tools and platforms to detect, track, analyze, and communicate legislative and budget issues with our clients. This technology allows us to stay "in the know" as bills and budget begin to be amended throughout the year and during legislative committee weeks and session.

It also allows us to update our clients in real-time and gather feedback about any proposals impact on our priorities or other issues of concern. As a client you would have scheduled, comprehensive updates on your issues as well as real-time updates when necessary.

Suskey Consulting offers a full-service philosophy with our government affairs approach. We work with our clients to identify the issues that really matter to their constituents and develop a plan to solve those issues. Scheduling meetings locally with our legislative delegation and in Tallahassee with the appropriate staff is a key part of our service agreement. Letter of support or opposition can be extremely useful when carefully crafted and targeted. We will provide counsel on when to send letters, the audience for them, and assist in crafting and delivering those letters.

Our firm routinely works with our clients on funding opportunities to include state grants. We have worked with the City of Madeira Beach, City of Oldsmar, PSTA, and many others on various grants. Not only do we work at your direction, but we use the state budget process to identify new funding opportunities that our clients may not be aware of. Additionally, we do significant work with state agencies on a daily basis. In the past we have worked with our clients on strategies that utilize our legislative relationships to assist the agency in awarding grants. We have successfully handled grants for PSTA, the City of Madeira Beach, and the Sarasota Manatee International Airport.

Our team will work with the city to identify home rule and other issues that affect their residents and develop a strategy that combines our efforts with those of the League. We have relationships with the League of Cities and their lobbying staff that will benefit the city.

Our team has developed numerous, successful legislative agendas for cities, taxing authorities, private clients, and non-profits. We assist in the strategy development, execution, and after-action assessments.

We maintain an office nearby in western St Petersburg and will always be available to report on our strategies and actions.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/30/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Douglas M. Croley Inc. 2814 Remington Green Circle P O Box 13619 Tallahassee FL 32317	CONTACT NAME: Daniela Suarez PHONE (850) 386-1922 (A/C, No, Ext): E-MAIL danielasuarez@dougcroleyins.com ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Southern-Owners Ins. Co. INSURER B: INSURER C: INSURER D: INSURER E: INSURER F: NAIC # 10190
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COVERAGES

CERTIFICATE NUMBER: CL1771705658

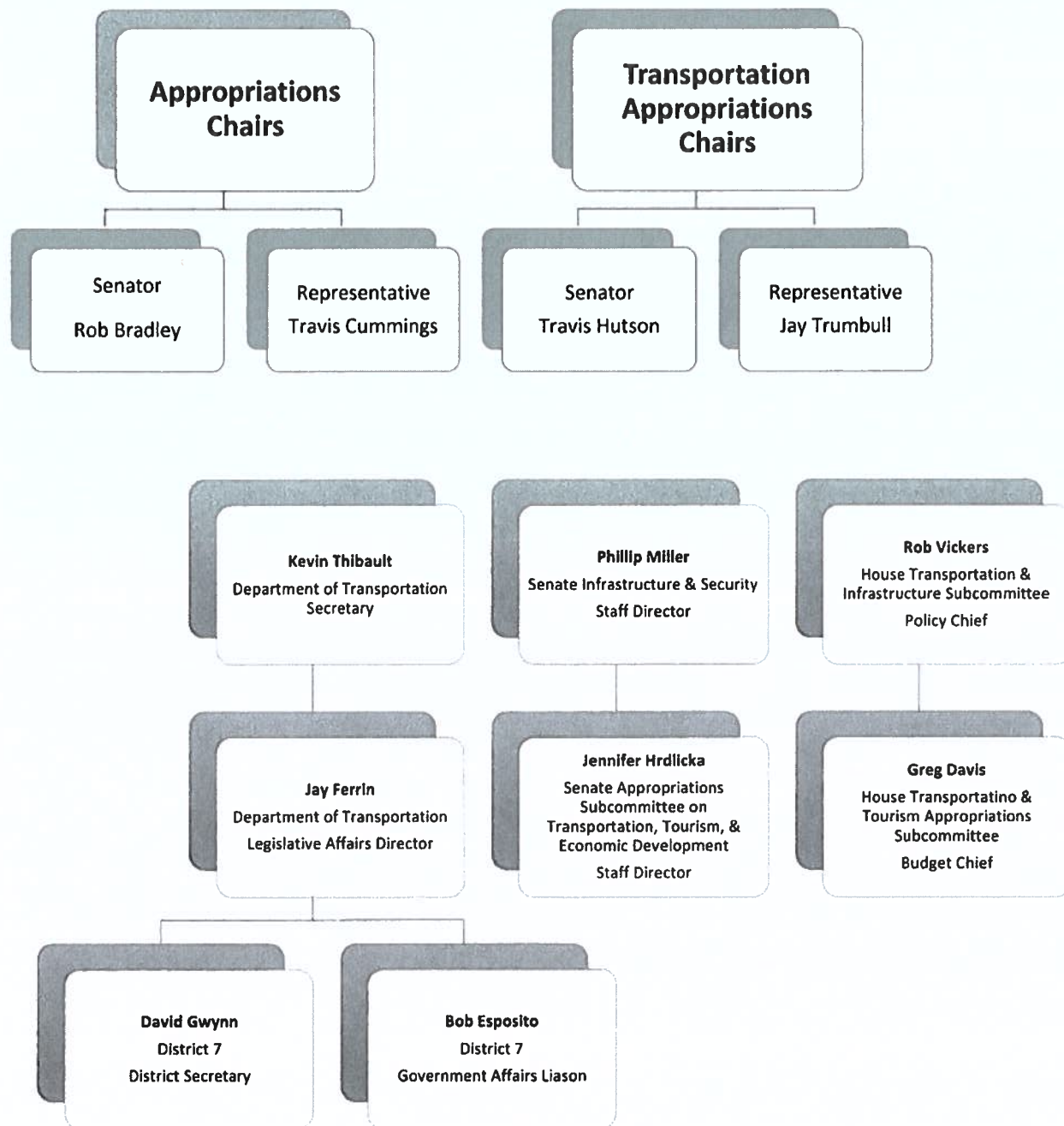
REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER ☒ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER	Y		78305209	07/17/2017	07/17/2018	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000						
	MED EXP (Any one person) \$ 10,000						
	PERSONAL & ADV INJURY \$ 1,000,000						
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							\$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$ ☐						EACH OCCURRENCE \$
							AGGREGATE \$
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						☐ PER STATUTE ☐ OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$

The staff of relevant of committees and agencies cannot be overlooked. We have longstanding relationships with the current staff and have managed staff transitions well over the years. Below is a sample of the staff relationships our firm maintains. As transitions continue to unfold, we are well equipped to work with new members and staff.

As discussed above, the main effort concerning the city will take a joint effort from local and statewide professional staff and leaders.



| Public Entity Crimes Statement

SWORN STATEMENT UNDER SECTION 287.133 (3) (a), FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER
OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted for SUSKEY CONSULTING.
2. This sworn statement is submitted by ALAN SUSKEY
Whose business address is: 113 EAST COLLEGE AVE, SUITE 300, TAMPAH, FL
and (if applicable) its Federal Employer Identification Number (FEIN) is 47-2371701 32301
(If entity has no FEIN, include the Social Security Number of the individual signing this sworn
statement: _____)
3. My name is ALAN SUSKEY and my relationship to the entity named
above is OWNER
4. I understand that a "public entity crime" as defined in Section 287.133(1)(g), Florida Statutes,
means a violation of any state or federal law by a person with respect to and directly related to
the transaction of business with any public entity or with an agency or political subdivision of
any other state or of the United States, including, but not limited to, any bid or contract for
goods or services to be provided to any public entity or an agency or political subdivision of any
other state or of the United States and involving antitrust, fraud, theft, bribery, collusion,
racketeering, conspiracy, or material misrepresentation.
5. I understand that "convicted" or "conviction" as defined in Section 287.133 (1) (b), Florida
Statutes, means a finding of guilt or a conviction of a public entity crime, with or without
adjudication of guilt, in any federal or state trial court of record, relating to charges brought by
indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry
of a plea of guilty or nolo contendere.
6. I understand that an "affiliate" as defined in Section 287.133(1) (a), Florida Statutes, means: (1)
A predecessor or successor of a person convicted of a public entity crime; or (2) An entity under
the control of any natural person who is active in the management of the entity and who has
been convicted of a public entity crime. The term "affiliate" includes those officers, directors,
executives, partners, shareholders, employees, members, and agents who are active in the
management of an affiliate. The ownership by one person of shares constituting a controlling
interest in another person, or a pooling of equipment or income among persons when not for fair
market value under an arm's length agreement, shall be a prima facie case that one person
controls another person. A person who knowingly enters into a joint venture with a person who
has been convicted of a public entity crime in Florida during the preceding 36 months shall be
considered an affiliate.
7. I understand that a "person" as defined in Section 287.133(1) (e), Florida Statutes, means any
natural person or entity organized under the laws of any state or of the United States with the
legal power to enter into a binding contract and which bids or applies to bid on contracts for the

provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity

8. Based on information and belief, that statement which I have marked below is true in relation to the entity submitting this sworn statement. [Please indicate which statement applies.]

☒ Neither the entity submitting this sworn statement, nor one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity, has been charged with and convicted of public entity crime subsequent to July 1, 1989.

☐ There has been a proceeding concerning the conviction before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer did not place the person or affiliate on the convicted vendor list. [Please attach a copy of the Final Order.]

☐ The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer determined that it was in the public interest to remove the person or affiliate from the convicted vendor list. [Please attach a copy of the Final Order.]

☐ The person or affiliate has not been placed on the convicted vendor list. [Please describe any action taken by or pending with the Department of General Services.]

Date: 1/31/19

Signature: [Signature]

STATE OF: FLORIDA

COUNTY OF: LEON

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who after first being sworn by me, affixed his/her signature in the space provided above on this 31st day of January, in the year 2019.

My commission expires:

Notary Public



Print, Type, or Stamp of Notary Public

Personally known to me, or Produced Identification:

PERSONALLY KNOWN
Type of ID

| Current Client List

ARES Security

1934 Old Gallows Rd

Suite 410

Vienna, VA 22182

Industry Code: 541712 Agriculture research and development laboratories or services (except biotechnology research and development)

Effective Date: 1/3/2019

City of Madeira Beach

300 Municipal Dr

Madeira Beach, FL 33708

Industry Code: 921130 Budget agencies, government

Effective Date: 1/3/2019

City of Oldsmar

100 State St W

Oldsmar, FL 34677

Industry Code: 921130 Budget agencies, government

Effective Date: 1/3/2019

City of Treasure Island

120 108Th Ave

Treasure Is, FL 33706-4702

Industry Code: 921190 General public administration

Effective Date: 1/3/2019

Dermazone Solutions

440 30th Ave N

St Petersburg, FL 33704

Industry Code: 325412 Pharmaceutical preparations (e.g., capsules, liniments, ointments, tablets) manufacturing

Effective Date: 1/3/2019

Eckerd College

4200 54th Ave S

St Petersburg, FL 33711

Industry Code: 611310 Academies, college or university

Effective Date: 1/3/2019

Florida Public Defender Association, Inc

Po Box 11057

Tallahassee, FL 32302-3057

Industry Code: 813910 Business associations

Effective Date: 1/3/2019

Gulf Power Company

1 Energy Pl
Pensacola, FL 32520
Industry Code: 221112 Electric power generation, fossil fuel (e.g., coal, oil, gas)
Effective Date: 1/3/2019

Innocence Project

40 Worth St
701
New York, NY 10013
Industry Code: 541110 Legal aid services
Effective Date: 1/3/2019

NOCTI

500 N Bronson Ave
Big Rapids, MI 49307
Industry Code: 611710 Educational support services
Effective Date: 1/3/2019

Norman Parathyroid Center

2400 Cypress Glen Dr
Wesley Chapel, FL 33544-4602
Industry Code: 621111 Surgeons' (except dental) offices (e.g., centers, clinics)
Effective Date: 1/9/2019

Pinellas Suncoast Transit Authority

3201 Scherer Dr
St Petersburg, FL 33716
Industry Code: 485111 Urban transit systems, mixed mode (e.g., bus, commuter rail, subway combinations)
Effective Date: 1/3/2019

Sarasota Manatee Airport Authority

6000 Airport Cir
Sarasota, FL 34243
Industry Code: 488119 Flying field operators
Effective Date: 1/3/2019

Save our Society From Drugs, Inc

5999 Central Ave
Suite 301
St Petersburg, FL 33710
Industry Code: 813319 Drug abuse prevention advocacy organizations
Effective Date: 1/24/2019

Southern Guaranty Insurance Company

13600 ICOT Blvd.
Building A
Clearwater, FL 33760
Industry Code: 524126 Property and casualty insurance carriers, direct
Effective Date: 1/3/2019

St Petersburg Museum of History

335 2Nd Ave NE
St Petersburg, FL 33701-3501
Industry Code: 712110 Historical museums
Effective Date: 1/29/2019

Tampa Bay Area Regional Transit Authority (TBARTA)

4350 W Cypress St
Suite 700
Tampa, FL 33607-4179
Industry Code: 485111 Commuter transit systems, mixed mode (e.g., bus, commuter rail, subway combination)
Effective Date: 1/3/2019

TradeWinds Island Resorts

5500 Gulf Blvd
St Pete Beach, FL 33706
Industry Code: 721110 Hotels (except casino hotels) with golf courses, tennis courts, and/or other health spa facilities (i.e., resorts)
Effective Date: 1/3/2019

Wholesale & Specialty Insurance Association

4131 N. Mulberry Drive
Suite 200
Kansas City, MO 64116
Industry Code: 813910 Insurers' associations
Effective Date: 1/3/2019

Worldwide Interactive Network

1000 Waterford Pl
Kingston, TN 37763
Industry Code: 611691 Exam preparation services
Effective Date: 1/3/2019

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

Issue Considered: Ordinance 2018-08: Final Reading and Public Hearing of an Ordinance of the City of Ct. 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 make technical and administrative amendments to the Florida Building Code; providing for severability; and providing for an effective date.

Date: February 26, 2019

Prepared By: Bill Palmer – Building Official

Through: Wesley Wright, Community Development Director

Summary of Issue: The Ordinance follows the County’s recommendations for a “Model Ordinance” as it pertains procedures and criteria for development in flood hazard areas, to format existing provisions to be consistent with the Florida Building Code and to make technical and administrative amendments to the Florida Building Code. This Ordinance was continued from the 10/23/2018 City Commission meeting and present to the Planning Board on 12/17/2018. A favorable recommendation was achieved for City Commission to consider. City Commission held the First Reading and Public Hearing 1/22/2019.

Requested Motion: “I move to approve Ordinance 2018-08 on final reading (read title).”

Attachment: Ordinance 2018-08 Underline and Strike-through;
Ordinance 2018-08 Clean Version

**Reviewed by the
City Manager:** WS

ORDINANCE NO. 2018-08

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 MAKE TECHNICAL AND ADMINISTRATIVE 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 adopted a requirement to require declaration of land restriction (nonconversion agreement) for enclosures below elevated buildings 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.

THE CITY OF ST. PETE BEACH, FLORIDA, DOES ORDAIN:

SECTION 1.

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

Chapter 98, Article II – Technical Codes

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 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 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~~

~~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~~

~~Section R322.3.4 Walls below design flood elevation. Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:~~

- ~~1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and~~
- ~~2. Are constructed with insect screening or open lattice; or~~

3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per square foot (958 Pa); or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:
 - 4.1. The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.
 - 4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.

~~1.—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 sliding doors 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; administrative 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.

Secs. 98-35—98-60. - Reserved.

SECTION 2.

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

CHAPTER 98, ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS

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. ~~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.

- a) 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.
- b) 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 Division 5 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.

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~~ Division 7.

Comment [MM1]: Should we be specific
"Division 7 of Section 2?"

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 section~~ Division 7.

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 section~~ Division 6 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.

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 ~~this section~~ Division 5;
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.

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.

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.98-125.6. Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

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 \$25.00 for \$100.00 of insurance coverage or increases of 100 percent 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 ~~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.

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.

Comment [MM2]: Should we add or take out this language.

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.~~

~~**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.~~
means 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 1 percent 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, 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 ~~11~~ 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;
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*).

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

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 article, 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.

Recreational vehicle. A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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 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.

Comment [MM3]: Is this suppose to be changed to Floodplain Administrator?

~~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.

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 Division ~~13~~14.

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; ~~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 Division 12.~~
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 Pprovide 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~~ 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 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 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 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 ~~Division 5~~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 ~~12~~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 ~~1314~~. 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-~~131.4~~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.

DIVISION 15. MANUFACTURED HOMES.

Sec.98.133.9. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

Sec.98.133.10. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance.
2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this ordinance.

Sec.98.133.11. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

Sec.98.133.12. Elevation. All manufactured homes that are placed, replaced, or substantially improved shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

Sec.98.133.15. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

Sec.98.133.16. Utility equipment. Utility equipment that serves manufactured homes,

including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

DIVISION 16 RECREATIONAL VEHICLES AND PARK TRAILERS

Sec.98.133.17. Placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall comply with Section 23.2 of the Land Development Code. Permanent placement of recreational vehicles and park trailers is prohibited.

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.

Comment [MM4]: Maybe include Florida Building code in this section in case there are regulations not mentioned in this city code.

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

ORDINANCE NO. 2018-08

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 MAKE TECHNICAL AND ADMINISTRATIVE 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 adopted a requirement to require declaration of land restriction (nonconversion agreement) for enclosures below elevated buildings 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.

THE CITY OF ST. PETE BEACH, FLORIDA, DOES ORDAIN:

SECTION 1.

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

Chapter 98, Article II – Technical Codes

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

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

Section R322.3.4 Walls below design flood elevation. Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per square foot (958 Pa); or

4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:
 - 4.1. The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.
 - 4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.

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; sliding doors are permitted. 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; administrative 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.

Secs. 98-35—98-60. - Reserved.

SECTION 2.

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

CHAPTER 98, ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS

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.

- a) 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.
- b) 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 Division 5 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 Division 7.

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 Division 7.

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 Division 6 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 Division 5;
 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.

Sec.98-125.6. Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

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 \$25.00 for \$100.00 of insurance coverage or increases of 100 percent 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.

Declaration of Land Restriction (Non-conversion Agreement) means 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 1 percent 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, 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;
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*).

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

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 article, 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.

Recreational vehicle. A vehicle, including a park trailer, which is: [See section 320.01, F.S.)

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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 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 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 Division 14.

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 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, including manufactured home parks and 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. 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 a 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.

DIVISION 15. MANUFACTURED HOMES.

Sec.98.133.9. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

Sec.98.133.10. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance.
2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this ordinance.

Sec.98.133.11. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

Sec.98.133.12. Elevation. All manufactured homes that are placed, replaced, or substantially improved shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

Sec.98.133.15. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

Sec.98.133.16. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

DIVISION 16 RECREATIONAL VEHICLES AND PARK TRAILERS

Sec.98.133.17. Placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall comply with Section 23.2 of the Land Development Code. Permanent placement of recreational vehicles and park trailers is prohibited.

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

Rebecca Haynes

From: Lois Domanico <loisdomanico@gmail.com>
Sent: Monday, January 21, 2019 8:36 PM
To: Alan Johnson
Cc: expertmassage.jd@gmail.com
Subject: FW: No Trees along Pass-A-Grille Way 11th - 13th Avenues
Attachments: No Tree Petition.pdf

Forwarding for Jean Sholander. Thanks!

Dear Mr. Mayor,

I am writing regarding the meeting today at 3pm at the community center to discuss the construction project. I am sorry you were unable to attend. I want to make you aware that I left the meeting feeling as if my voice and those of the residents of my apartment complex who signed a petition were not heard. This specifically refers to our request that no trees be planted between 11th Ave and 13 Ave so our view will not be negatively impacted.

I raised the concern with Mr. Clarke and he basically told me that I have no say in the matter and he was "the ultimate authority" as to where the trees are planted. I asked what options were available to me and he said there were none. I did have a petition signed by several residents in my apartment complex which is attached for your awareness.

He did agree to meet me to show me where he puts in the stakes and have a conversation. I asked if he promised to call me and he agreed in front of all attendees to do so. I also asked about when that would be and he did not give me a timeframe.

I hope you will remember meeting me at the meeting last month when you were kind enough to walk with me to see the area of concern. At that time you told me you were unaware of any trees being planted. I am wondering what follow up actions and/or discussions you might have had with Mr. Clarke or any other individuals associated with the project since then.

It sounds like time is running short to resolve this situation and I would appreciate your assistance in helping us preserve our view. Thank you in advance for your cooperation. I look forward to hearing from you soon.

Sincerely,

Jean Dalton Sholander
1106 Pass-A-Grille Way, Apt A1
St. Pete Beach, FL 33706
941-448-1408

PETITION

We, the undersigned, are petitioning that as part of the new road construction that no trees be planted in front of our apartments and our view be respected from 11th Avenue through 13th Avenue, Pass-A-Grille Way. St. Pete Beach, FL 33706.

Respectfully submitted,

The residents of Grenada Apartments, 1106 Pass-A-Grille Way

Name and Apt Unit

Name and Apt Unit

Jean Skolander A1

Jennifer Tran A4

John Skolander A1

Ed Pappas B4

[Signature] A6

DM Kuo B2

Cory Ford B2

A. Mencer B1

A. Mencer B1

[Signature] A-3

Rich Hasnedl A3

mm l A4

Date: Jan 13, 2019