



PLANNING BOARD MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

December 17, 2018

4:00 p.m.

Call to Order
Pledge of Allegiance
Roll Call

- 1. Changes to the Agenda** – Agenda items to be added, moved or deleted will be addressed at this time. Items added will be assigned agenda item numbers and items that are moved will retain the same item numbers. A notation will be made that those items will be taken out of order.
- 2. Audience Comments** – Comments shall be limited to three minutes per person to issues not on the agenda.
- 3. Approval of Minutes from November 5, 2018.**
- 4. Agenda Items**
 - a. CPA/ZM-18-00023– M. David Feinberg Jr., for Sea Biscuit Properties LLC. (Quasi-Judicial / Local Planning Agency) (Continued from 11/5/18).**
 - i. Ordinance No. 2019-01** – To amend the Future Land Use Map of the City of St. Pete Beach Comprehensive Plan from INS Institutional District to RM Residential District.
 - ii. Ordinance No. 2019-02** – To amend the Zoning Map of the City of St. Pete Beach Land Development Code from INS Institutional District to RM Residential District.
 - b. CPA/ZM-18-00028- Marilyn Mullen Healy, Esq., for Zamora Hospitality Group, LLC. (Quasi-Judicial / Local Planning Agency).**

- i. **Ordinance No. 2019-03** – To amend the Future Land Use Map of the City of St. Pete Beach Comprehensive Plan from BR- Bayou Residential District to the BHC- Boutique Hotel Condo District.
- ii. **Ordinance No. 2019-04** – To amend the Zoning Map of the City of St. Pete Beach Land Development Code from BR- Bayou Residential District to the BHC- Boutique Hotel Condo District.
- c. **CU-18-00032- Marilyn Mullen Healy, Esq., for Zamora Hospitality Group, LLC.**

Request: Conditional Use Permit to allow for nine temporary lodging units to be utilized from the density pool in accordance with the City of St. Pete Beach Land Development Code, Division 46- BHC- Boutique Hotel Condo District, Section 46.4- Allowable Conditional Uses.
- d. **Ordinance No. 2018-08** – To the revise the Flood Hazard Mitigation Regulations as adopted by Ordinance 2015-26 to be consistent with the Florida Building Code.

5. Discussion Items

6. Adjournment – Next Meeting: 01/28/2019

APPEAL: Florida Statutes Chapter 286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such 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: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

**Electronic media must be submitted a minimum of 24 hours in advance
to cityclerk@stpetebeach.org**

All agenda material is available for review at City Hall.

PLANNING BOARD MINUTES

NOVEMBER 5, 2018

4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Tiffany Secka, Chairwoman
Marvin Shavlan, Vice Chairman
Jack Ohlhaber, Member

ABSENT:

Kristin Bell, Member
Doug Izzo, Member

ALSO PRESENT:

Matthew McConnell, Esq., Dickman Law Firm
Wesley Wright, Community Development Director
Mary Jo Murphy, Deputy City Clerk

1. Changes to the Agenda

Mr. McConnell, Esq., Dickman Law Firm, made the following change to the agenda:

- Continue the Planning Board meeting until a date certain of December 17, 2018 at which time Item 4.a. and Item 4.b. will be reviewed.

2. Audience Comments

There were no audience comments.

3. Agenda Items

- a. Minutes for Acceptance: September 17, 2018

Member Ohlhaber made a motion to recommend approval of the minutes from the previous meeting. The motion was seconded by Vice Chair Shavlan and unanimously approved by a roll call vote (3 yeses – 0 nos).

4. Agenda Items

- a. CPA/ZM – 18-00023 – M. David Feinberg, Jr., for Sea Biscuit Properties, LLC

This item was continued to a date certain of December 17, 2018 during Item No. 1, "Changes to Agenda."

- b. Revised Flood Hazard Mitigation Regulations

This item was continued to a date certain of December 17, 2018 during Item No. 1, "Changes to Agenda."

5. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 4:05 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Tiffany Secka, Chairwoman

Minutes approved on: _____



City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-367-2735
www.stpetebeach.org

APPLICATION FOR TEXT/MAP AMENDMENT

(Check appropriate boxes)

- ☐ Comprehensive Plan Text Amendment
☒ Future Land Use Map Amendment
☐ Land Development Code Text Amendment
☒ Zoning Map Amendment

Case Number:

18-00023

SUBJECT PROPERTY (N/A for text amendments):

Legal

Description

(See Attached)

Address:

3101 PASS-A-GRILLE WAY

Parcel ID:

07-32-16-21852 025-0000

Current

Zoning

Category:

INS

Proposed

Zoning

Category:

RM

Current

FLUM

Category:

Proposed

FLUM

Category:

Lot area:

13,786 square feet (0.316 acres m o l)

APPLICANT:

M. David Feinberg Jr.

Helen Hough Feinberg

Sea Biscuit Properties LLC

AGENT (must have agent authorization):

Name:

Name:

Address:

2701 Sunset Way

Address:

City:

St. Pete Beach

State:

Florida

City:

State:

Zip:

33706

Telephone:

727.643.6007

Zip:

Telephone:

Email:

Davefeinberg@me.com

Text to be stricken and/or added (Add additional sheets if necessary).

Dave Feinberg

APPLICATION FEES

Land Development Code Text change	\$800.00 plus direct mailing costs
Land Development Code Map change	\$2000 plus direct mailing costs
Comprehensive Plan Amendment (not in CRD)	<u>\$2,500.00</u> plus direct mailing costs ✓
Comprehensive Plan Amendment (in CRD)	\$3,000.00 plus direct mailing costs

THE FOLLOWING ITEMS MUST BE INITIALED BY OWNER OR AGENT:

- ✓  ☒ I understand that the Planning Board's action is not final. It must be approved by the City Commission.
- ✓ ☒ I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 days after the Commission decision; otherwise, the decision shall be final.
- ✓ ☒ I understand that I, as the applicant, or an authorized representative must be present at all scheduled public meetings on the application.

✓ 
Owner / Agent Signature

✓ 9/22/18 
Date

LEGAL DESCRIPTION: (PROVIDED TO SURVEYOR)

THE FOLLOWING PARCEL OF LAND LYING AND BEING IN DON CE-SAR PLACE, SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 13, PAGES 15 THROUGH 20, MORE PARTICULARLY DESCRIBED AS THE SOUTH 125 FEET OF BLOCK B, TOGETHER WITH THAT CERTAIN STRIP OF LAND TEN (10) FEET IN WIDTH LYING ADJACENT TO THE EASTERLY BOUNDARY OF THE SOUTH 125 FEET OF BLOCK B, AND BEING OUTSIDE OF AND INCLUDING THE SEAWALL, SAID 10-FOOT STRIP OF LAND SHOWN AS "10' RESERVED" ON THE PLAT OF DON CE-SAR PLACE, SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 13, PAGES 15 THROUGH 20, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.



City of St. Pete Beach
155 COREY AVENUE
ST. PETE BEACH, FL 33706
STPETE

Invoice No.: **8110**
Invoice Date: **09/24/2018**

INVOICE

RECORD INFORMATION

Record ID: PLN18-00023
Record Type: Rezoning
Property Address: FL
Description of Work: FLUM Change and Rezoning of 3101 Pass-A-Grille Way from INS to RM
Applicant: SEA BISCUIT PROPERTIES LLC
2701 SUNSET WAY
ST. PETE BEACH, FL 33706

FEE DETAIL

Fee Description	Quantity	Fee Amount
Comprehensive Plan Amendment - Not in CRD	2,500	\$2,500.00
		\$2,500.00

**Case Number:
18-00023**

**Comprehensive Plan
Amendment and Zoning Map
Amendment Case**

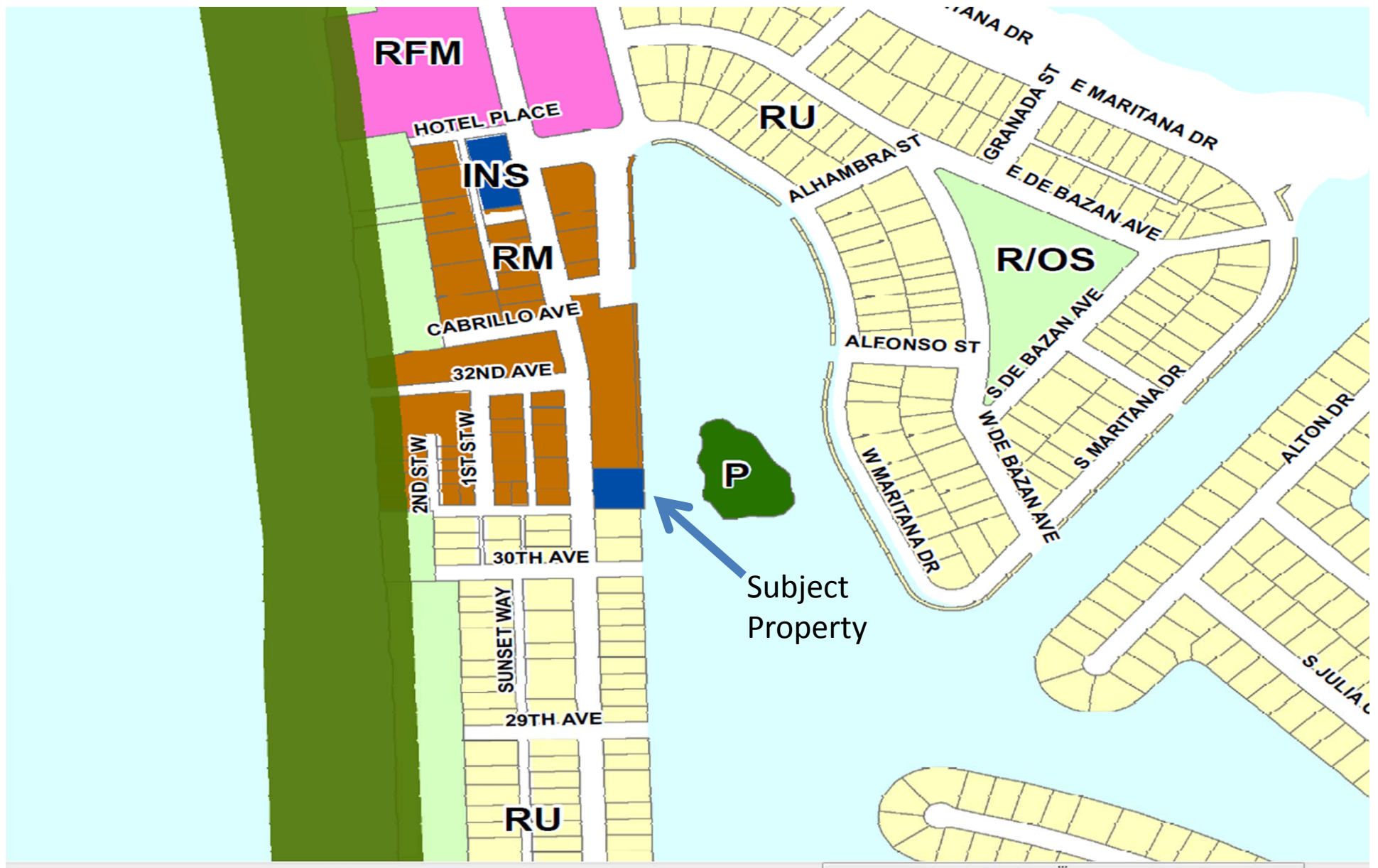
**Owner:
M. David Feinberg Jr.,
for Sea Biscuit Properties
LLC**

Request:

The owner is requesting to amend the Future Land Use Map of the Comprehensive Plan by re-designating approximately 0.316 acres from the Institutional District (INS) to the Residential Medium District (RM). Additionally, the Zoning Map of the Land Development Code is proposed for re-designating the 0.316 acres from the Institutional District (INS) to the Residential Medium District (RM).

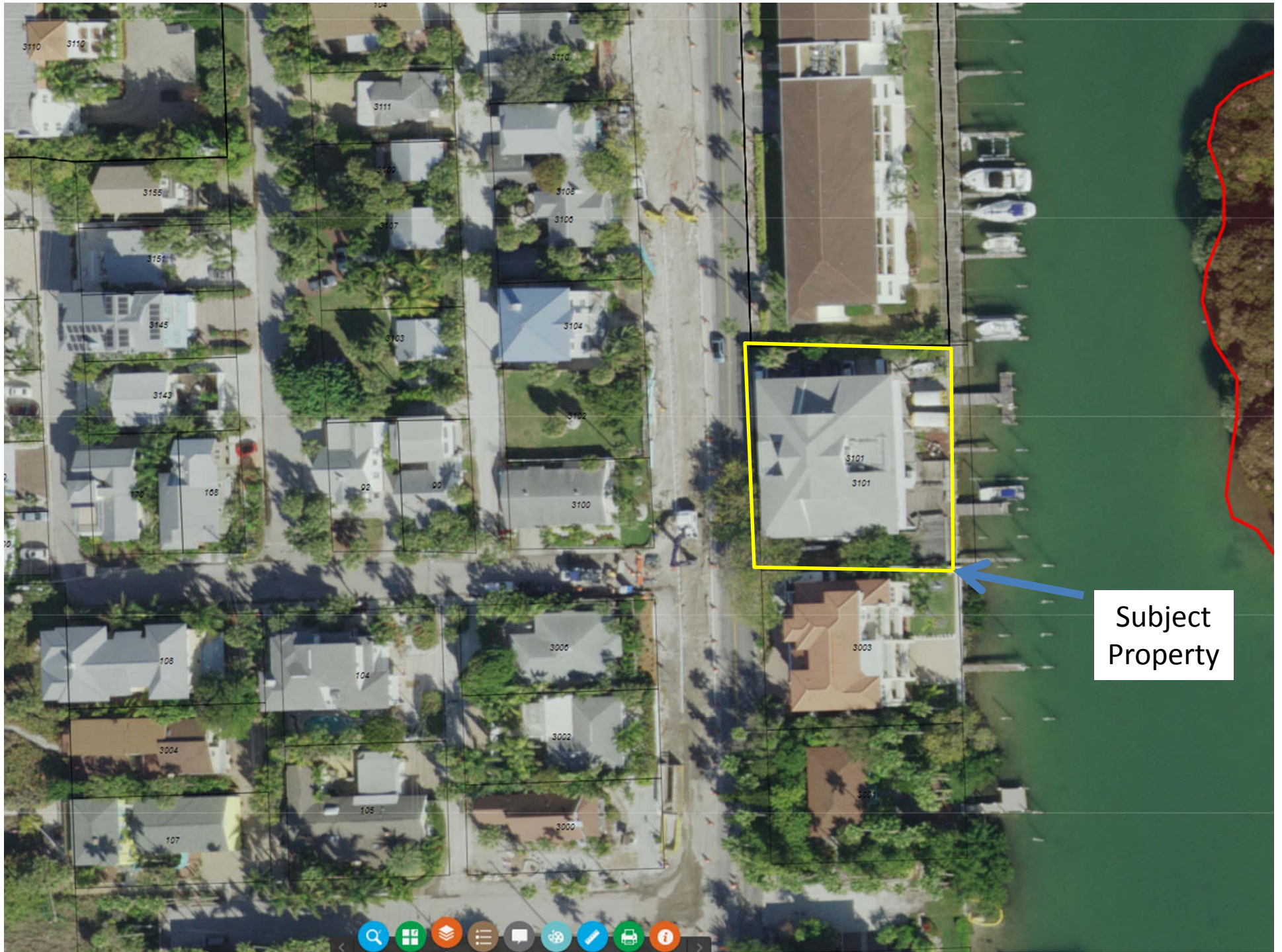


Future Land Use Map



Zoning Map





Subject
Property



10/29/2018



**DEPARTMENT OF COMMUNITY DEVELOPMENT
FUTURE LAND USE AMENDMENT AND
ZONING MAP AMENDMENT
STAFF FINDINGS REPORT
TO THE
PLANNING BOARD**

APPLICATION NUMBER: CPA/ZM-18-00023 - M. David Feinberg Jr., for Sea Biscuit Properties LLC

PREPARED BY: Community Development Staff

MEETING DATE: December 17, 2018

This application is a request to amend the Future Land Use Map of the Comprehensive Plan, and to amend the Zoning Map of the Land Development Code.

FUTURE LAND USE MAP REQUEST:	From: INS- Institutional District To: RM- Residential Medium District
ZONING MAP REQUEST:	From: INS- Institutional District To: RM- Residential District
LOCATION:	3101 Pass-a-Grille Way; Parcel number 07-32-16-21852-025-0000; more specifically, Parcel B, Plat Book 13, Page 15. A complete legal description of the property is on file with Community Development.
ACREAGE:	Approximately 0.316 acres (13,786 square feet)
SURROUNDING FUTURE LAND DESIGNATIONS:	North – RM- Residential Medium South – RU- Residential Urban East – P- Preservation West – RM- Residential Medium
SURROUNDING ZONING MAP DESIGNATIONS:	North – RM- Residential District South – RU-2/PAG- Residential District/ Pass-a-Grille Overlay East – P- Preservation West – RM/PAG- Residential District/ Pass-a-Grille Overlay
SURROUNDING EXISTING USES:	North – Marina Bay Condos South – Single-family residence East – Fuller Island West – Single-family residences

BACKGROUND

In 1974 (Case No. 323) the property was granted a special exception to operate a school in the R-3 Multiple family (low rise) Residential District. In 2003 (via Ordinance 2003-08) the zoning districts were changed and three new districts were added (INS- Institutional District, R/OS- Recreation/Open Space District, and the-Transportation/Utility District). The R-3 District was changed to the RM-Residential District. However, in 2003 this property was given the designation of one of the new land uses of INS-Institutional District.

The property is developed with an elevated structure that was used as a private school (AMI Kids Pinellas) with approximately 7,834 of total building heated square-footage and 12,376 gross area square-footage. The elevated structure was constructed in 1991. The structure currently is vacant. The property also has two docks, a fence, patio/deck and other amenities. The property is surrounded by residential and multi-family uses.

The applicant attended the Technical Review Committee (TRC) on October 17, 2018 and provided some verbal comments. The applicant stated that it is the intention that the structure be converted into a multi-family development. The tentative plan is to have four, three bedroom, two bathroom units. It was also stated that the applicant may be utilizing a third floor, or at least a portion of the existing deck for living area. They would be utilizing the existing parking spaces and may upgrade the surface. The applicant discussed that the previous school had 60 children and 15 teachers, and believed the use on the City's infrastructure would be reduced. He was advised that concurrency would need to be demonstrated at the time of permitting.

SUMMARY OF AGENCY COMMENTS: No comments have been received from state agencies at this time.

SUMMARY OF PUBLIC COMMENTS: As of this writing, no comments have been received for this application.

REQUEST FOR LAND USE CHANGE

1. Concurrency

- a. Sanitary Sewer – The sanitary sewer is under a moratorium but the City is looking to improve the service.
- b. Potable Water – The property will have to coordinate with Pinellas County, but the site currently has potable water.
- c. Solid Waste – Removal of solid waste will be from a private provider.
- d. Drainage – The site will be required to be designed to meet all applicable stormwater design standards at the time of permitting.

2. Consistency with the Land Development Code –The applicant will be required to meet all LDC buffer standards at the time of permitting.

3. Consistency with the Comprehensive Plan – All development applications shall demonstrate complete compliance with the Comprehensive Plan.

FUTURE LAND USE ELEMENT

Objective 2.4- Consistent with this comprehensive plan, as amended, the City of St. Pete Beach shall enhance and protect the City's character through the encouragement of redevelopment which ensures an orderly and aesthetic mixture of land uses.

TRANSPORTATION ELEMENT

Policy 1.1.3-The City shall assess new development or redevelopment an equitable pro rata share of the costs to provide road-way improvements to serve the development or redevelopment, as established by the Pinellas County impact fee schedule.

INFRASTRUCTURE PLAN ELEMENT

Objective 1.1- The City of St. Pete Beach shall continue to implement procedures, in cooperation with its sewage, solid waste and potable water system providers to ensure that development permits are issued only when adequate facility capacity is available to serve the development.

Policy 1.1.1

Level of service standards shall be:	
Facility	Level of Service Standard
Sanitary Sewer	149.4 gallons per day per capita
Solid Waste	1.3 tons per person per day
Potable Water	120 gallons per day per capita

Policy 1.1.4- Prior to the issuance of a building permit for future development and/or redevelopment activities, the City shall consult with Pinellas County Utilities to ensure that adequate potable water supplies and facilities will be available by the anticipated issuance date of the certificate of occupancy.

Policy 1.1.5- The land development regulations and development review procedures shall be used to ensure that all adopted levels of service are maintained. All new development and redevelopment proposals shall be reviewed under the city's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained.

Staff Comment: While no project is proposed for this parcel at this time, any project will be subject to the above objectives and policies.

4. **Compatibility with Adjacent Land Uses** – The property lies immediately adjacent to residential and multi-family uses.
5. **Transportation** –The site would obtain access from Pass-a-Grille Way.

ANALYSIS

The request would change the land use designations on the Future Land Use Map and Zoning Map from INS-Institutional District to the RM- Residential Medium District to possibly allow for utilization for a future development.

Division 17 of the Land Development Code describes the INS District as intended for the establishment of private institutional uses and public facilities in those areas designated within the INS Institutional land use category on the Future Land Use Map. Such uses may include ancillary commercial and residential uses, such as gift shops and residence halls, which are clearly subordinate to the principle use of the property. The permitted principal uses and structures are as follows: places of worship with fewer than 100 seats in the main sanctuary, utility substations and/or rights-of-way, and public facilities, including public parks and other public recreational uses. The uses allowable with an approved conditional use application are as follows: places of worship with 100 seats or more in the main sanctuary, residential structures as an ancillary use to the institution, commercial docks - Classes B and C only, clubs, private and community service, schools, public, private or charter, and social service agencies.

Division 12 of the Land Development Code describes the RM District as intended for residential areas designated within the RM Residential Medium land use category on the future land use maps. Certain other structures and uses required to serve governmental, religious and non-commercial recreational needs of such areas may be permitted, subject to restrictions and requirements intended to preserve the character of such district. The permitted principal uses and structures are as follows: *residential dwellings* — attached and detached single-family, multifamily and two-family. Such dwellings may be used for transient occupancy, so long as any transient occupancy of less than 30 days does not occur more than three times in any 12-month period on any parcel. The uses allowable with an approved conditional use application are as follows: assisted living facilities, daycare center/kindergarten, recreational—public parks and/or recreational facilities, schools, public or private, and utility substations and/or rights-of-way.

The table below would show the differences in the existing land use and zoning of Institutional District and the Residential Medium District as follows:

	INS-Institutional District	RM- Residential Medium
Permitted principal uses	Places of Worship (limited), utility substations, rights-of-way, public facilities	Residential dwellings
Residential Density	Allowable ancillary residential density shall be 12.5 units per acre for places of worship and 7.5 units per acre for all other uses.	15 units per acre
FAR	0.65	0.50
ISR	0.80	0.70 residential 0.75 non-residential

The subject parcel is 0.316 acres; the increase in density could be 1 unit.

The floor area ratio (FAR) would decrease from 0.65 to 0.50.

The ISR would decrease from 0.80 to either 0.70 for a residential use or 0.75 for a non-residential use.

STANDARDS FOR REVIEW

In reviewing the application for a rezoning, Staff, the Planning Board, and the City Commission shall consider whether the proposed rezoning is consistent with and furthers the goals, policies, and action strategies of the Comprehensive Plan. In addition, the Planning Board and City Commission shall consider the following:

- a. **Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the plan. The planning board and city commission shall review the request considering the most intense use permitted in the requested zone district;** *The permitted uses allowed in the RM-Residential Medium District are residential. This is less intense than what is allowable currently in the Institutional District.*
- b. **Compatibility with adjacent properties and the existing land use pattern;** *The compatibility would increase as the applicant proposes a land use change and zoning change from Institutional District to Residential Medium District. The property is surrounded by residential uses.*
- c. **Possible creation of an isolated district unrelated to adjacent and nearby districts;** *The land use and zoning is currently Institutional and is isolated. The surrounding area is residential. This amendment would be making the area more consistent with the surrounding residential land uses.*
- d. **The population density pattern and increase in demand for public utilities or services, including potable water supply, sanitary sewer capacity, law enforcement or fire suppression;** *The previous use was a school. The proposed new use if the application is approved could be multi-family (as stated by the applicant) and the demand on the public utilities and/or services should be reduced. The applicant will have to demonstrate this at the time of permitting.*
- e. **Any increase in use of city infrastructure, including stormwater management facilities, streets and roads, water lines, sewer lines or lift stations;** *It is not anticipated with the proposed residential use that there would be an increase in use of the City's infrastructure.*
- f. **Whether existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change;** *The district boundaries only encompass the subject property. The land use districts surrounding the subject property are residential in nature.*
- g. **Whether changed or changing conditions make the passage of the proposed amendment necessary;** *The applicant is proposing the land use and zoning amendment.*
- h. **Whether the proposed change will adversely affect drainage.** *The site will be required to be designed to meet all applicable stormwater design standards at the time of permitting.*
- i. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;** *The proposed land use change should result in an improvement to the adjacent property as the uses would both be residential.*

- j. **Whether the proposed change will constitute a grant of special privileges to an individual owner as contrasted with the public welfare;** *If the proposed amendments are granted the land use would allow for residential which is consistent with the surrounding area.*
- k. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.** *The proposed request would be more compatible with the surrounding area.*

PROPOSED FINDINGS OF FACT – LAND USE CHANGE

1. The request is to re-designate approximately 0.316 acres from the Institutional District to the Residential Medium District.
2. The site lies immediately adjacent to residential and multi-family uses.
3. The proposed amendment would reduce the spot zoning in the general area. The land uses surrounding the property are residential in nature.
4. Concurrency would need to be demonstrated if the proposed use required sanitary sewer, potable water, solid waste and drainage.

STAFF RECOMMENDATION

It has been determined that the reviewing body (Planning Board) may recommend approval of the application. The proposed land use and zoning amendment does not pose compatibility issues based on the existing surrounding land uses. The proposal as outlined is consistent with the policies of the Comprehensive Plan. Granting this request will not adversely affect the public interest, and would be generally compatible with adjacent properties and other properties in the area. Based on the findings of fact and the analysis, staff recommends Approval of the Comprehensive Plan Amendment and the Zoning Amendment.

Ordinance 2019-01

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE CITY OF ST. PETE BEACH FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN BY REDESIGNATING APPROXIMATELY 0.316 ACRES FROM THE INSTITUTIONAL DISTRICT (INS) TO THE RESIDENTIAL MEDIUM DISTRICT (RM); PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR APPLICABILITY; PROVIDING FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach has received an application for the amendment of the Future Land Use Designation of the property described herein from the owners thereof; and

WHEREAS, the City's Planning Board has reviewed this ordinance, found it to be consistent with the City's adopted comprehensive plan and has recommended approval thereof; and

WHEREAS, the City Commission, as the City's local planning agency, has found this ordinance to be consistent with the City's adopted comprehensive plan; and

WHEREAS, the City Commission has found this ordinance to be in the best interest, safety and welfare of the citizens of the city; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law.

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

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

SECTION 2. The Comprehensive Plan of the City of St. Pete Beach, Florida is hereby amended by amending the Future Land Use Plan Map incorporated therein for the property generally located at 3101 Pass-a-Grille Way, Don Ce-Sar Place, Section 7, Township 32 South, from INS Institutional District to RM Residential Medium District.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

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

legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2019.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

Andrew Dickman, City Attorney

Ordinance 2019-02

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE CITY OF ST. PETE BEACH ZONING MAP OF THE CITY'S LAND DEVELOPMENT CODE BY REDESIGNATING APPROXIMATELY 0.316 ACRES FROM THE INSTITUTIONAL DISTRICT (INS) TO THE RESIDENTIAL MEDIUM DISTRICT (RM); PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR APPLICABILITY; PROVIDING FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach has received an application for the amendment of the Official Zoning Map of the property described herein from the owners thereof; and

WHEREAS, the City's Planning Board has reviewed this ordinance, found it to be consistent with the City's adopted comprehensive plan and has recommended approval thereof; and

WHEREAS, the City Commission, as the City's local planning agency, has found this ordinance to be consistent with the City's adopted comprehensive plan; and

WHEREAS, the City Commission has found this ordinance to be in the best interest, safety and welfare of the citizens of the city; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law.

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

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

SECTION 2. The Land Development Code of the City of St. Pete Beach, Florida is hereby amended by amending the Official Zoning Map incorporated therein by changing the zoning district of the property generally located at 3101 Pass-a-Grille Way, Don Ce-Sar Place, Section 7, Township 32 South, from INS Institutional District to RM Residential Medium District.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

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

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SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____

PUBLISHED: _____

SECOND READING: _____

PUBLIC HEARING: _____

Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2019.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

Andrew Dickman, City Attorney



City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-367-2735
www.stpetebeach.org

**LAND USE MAP AMENDMENT/ REZONING / TEXT CHANGE
APPLICATION**

(Check appropriate boxes)

☐ Comprehensive Plan Text Change
☒ Future Land Use Map Change

☐ Land Development Code Text Change
☒ Rezoning

Case Number: PLN18-00028

SUBJECT PROPERTY (N/A for text changes):

Legal Description: See attached Exhibit A

Address: 3701 and 3751 Gulf Boulevard, St. Pete Beach, FL

Parcel ID: 07-32-16-21852-029-0001

Current Zoning Category:	<u>BR</u>	Proposed Zoning Category:	<u>BHC</u>	Current FLUM Category:	<u>BR</u>	Proposed FLUM Category:	<u>BHC</u>
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Lot area: 1.26 acres

APPLICANT:

Name: Zamora Hospitality Group, LLC

Address: 360 Blanca Avenue

City: Tampa State: FL

Zip: 33606 Telephone: _____

AGENT (must have agent authorization):

Name: Marilyn Mullen Healy, Esq.

Address: 401 East Jackson Street, Suite 1700

City: Tampa State: FL

Zip: 33602 Telephone: (813) 209-5025

Text to be stricken and/or added (Add additional sheets if necessary):

APPLICATION FEES

Land Development Code Text change	\$800.00 plus direct mailing costs
Land Development Code Map change	\$2000 plus direct mailing costs
Comprehensive Plan Amendment (not in CRD)	\$2,500.00 plus direct mailing costs
Comprehensive Plan Amendment (in CRD)	\$3,000.00 plus direct mailing costs

THE FOLLOWING ITEMS MUST BE INITIALED BY OWNER OR AGENT:

 I understand that the Planning Board's action is not final. It must be approved by the City Commission.

 I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within **30 days** after the Commission decision; otherwise, the decision shall be final.

 I understand that I, as the applicant, or an authorized representative must be present at all scheduled public meetings on the application.

Zamora Hospitality Group, LLC, a Florida limited liability company
Manager: DMMD XXXI, LLC, a Florida limited liability company

By: JACMAD Management, L.L.C, a Foreign limited liability company


Owner/Agent Signature
Devanand Mangar, Authorized Representative

October 5, 2018
Date

EXHIBIT A

Legal Description

LOT 30, BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 28; LESS AND EXCEPT THAT PORTION DEEDED TO THE STATE OF FLORIDA BY SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 1367, PAGE 115, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

ALSO DESCRIBED AS:

LOT 30, LESS THAT PORTION LYING WITHIN 40 FEET OF THE SURVEY LINE OF STATE ROAD 699, BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 28, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

AND

ALL OF BLOCK "H", DON CE-SAR PLACE, ACCORDING TO PLAT BOOK 13, PAGE 15, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; LESS THAT PART LYING WITHIN 40 FEET OF THE SURVEY LINE OF SR 699, SECTION 15100, SAID SURVEY LINE BEING DESCRIBED AS FOLLOWS:

BEGIN ON THE EASTERLY EXTENSION OF THE NORTHERLY BOUNDARY OF LOT 9, BLOCK 4, DON CE-SAR PLACE, IN SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 13, PAGES 18 THROUGH 20, INCLUSIVE, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AT A POINT 140.02 FEET NORTH 79°40'29" EAST OF THE NORTHWEST CORNER OF SAID LOT 9; RUN THENCE NORTH 10°20'31" WEST, 109.52 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 6875.50 FEET; THENCE NORTHERLY ALONG SAID CURVE 406.00 FEET THROUGH A CENTRAL ANGLE OF 3°23'00" TO THE END OF SAID CURVE; THENCE NORTH 13°43'31" WEST, 1903.41 FEET TO THE WESTERLY EXTENSION OF THE SOUTH BOUNDARY OF TRACT "A" OF LIDO BEACH SUBDIVISION IN SAID SECTION 7, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 34, PAGE 7, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AT POINT 315.49 FEET NORTH 88°13'31" WEST OF THE SOUTHEAST CORNER OF SAID TRACT "A".

Application Number:
CPA/ZM-18-00028
CU-18-00032

**Comprehensive Plan
Amendment and Zoning Map
Amendment**

Owner: Zamora Hospitality
Group, LLC c/o Marilyn Mullen
Healy, Esq.,



Request:

The owner is requesting to amend the Future Land Use Map of the Comprehensive Plan by re-designating approximately 1.26 acres from the to the BR- Bayou Residential District to the BHC- Boutique Hotel Condo District. To amend the Zoning Map of the Land Development Code by re-designating 1.26 acres from the to the BR- Bayou Residential District to the BHC- Boutique Hotel Condo District.

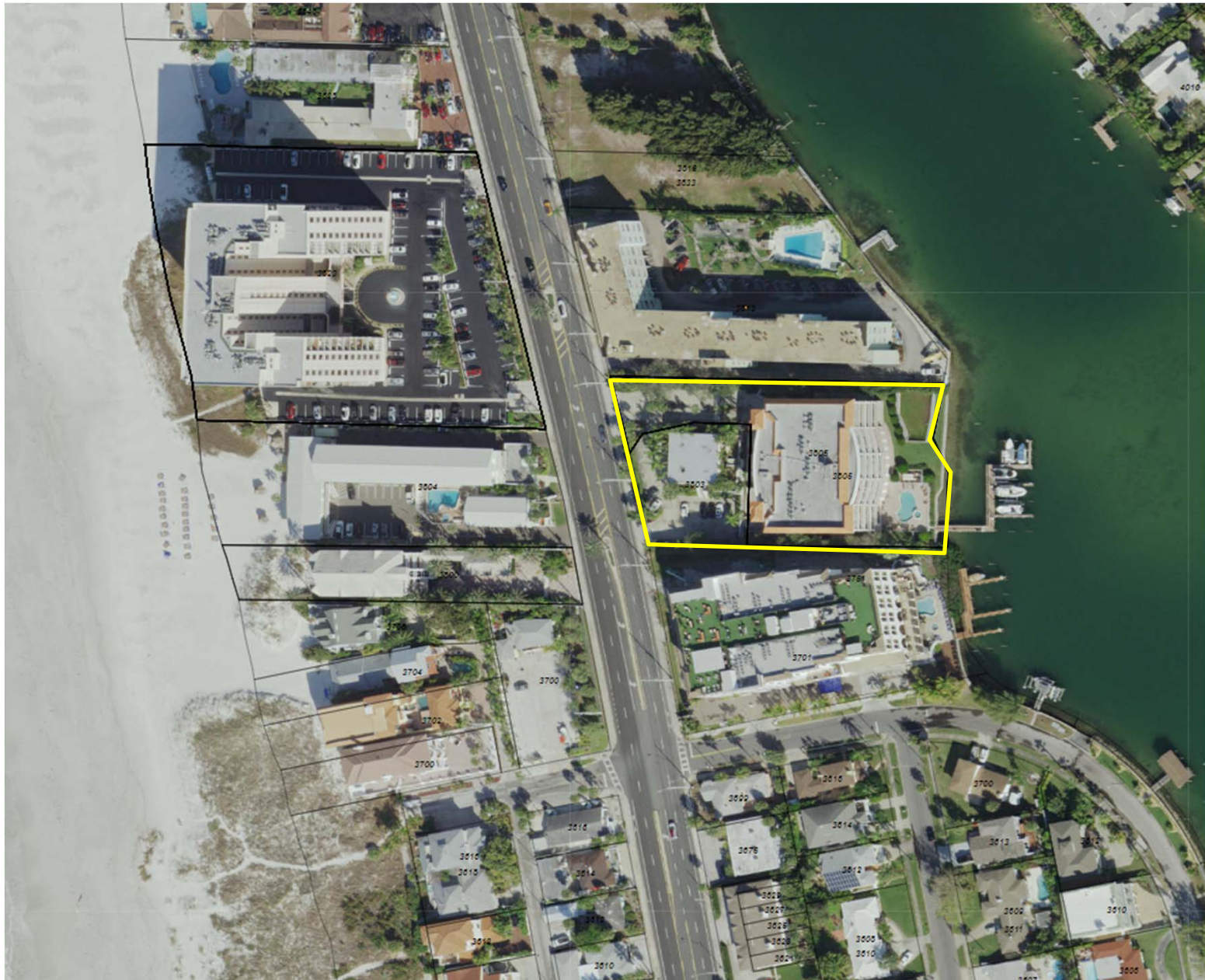
Future Land Use Map



Zoning Map



Aerial Map





**DEPARTMENT OF COMMUNITY DEVELOPMENT
FUTURE LAND USE AMENDMENT AND
ZONING MAP AMENDMENT
STAFF FINDINGS REPORT
TO THE
PLANNING BOARD**

APPLICATION NUMBER: CPA/ZM -18-00028 Marilyn Mullen Healy, Esq., for Zamora Hospitality Group, LLC

PREPARED BY: Community Development Staff

MEETING DATE: December 17, 2018

This application is a request to amend the Future Land Use Map of the Comprehensive Plan and to amend the Zoning Map of the Land Development Code.

FUTURE LAND USE MAP REQUEST:	From: BR- Bayou Residential District To: BHC- Boutique Hotel Condo District
ZONING MAP REQUEST:	From: BR- Bayou Residential District To: BHC- Boutique Hotel Condo District
LOCATION:	3701and 3751 Gulf Boulevard; Parcel number 07-32-16-21852-029-0001 ; more specifically, Don Ce-Sar Place Blk H, All Of Blk H Less Rd Together With That 10ft Wide Strip E'ly Of Seawall Labeled "Reserved" Per Deed 987/117 Together With Lot 30, Blk A Of Belle Vista Beach 1st Add Less Rd R/W, Plat Book 13, Page 15. A complete legal description of the property is on file with Community Development.
ACREAGE:	Approximately 1.26 acres (57,885.6 square feet)
SURROUNDING FUTURE LAND DESIGNATIONS:	North – BR- Bayou Residential District South – RM- Residential District and RU- Residential Urban District East – RU- Residential Urban District West – RFM- Resort Facilities Medium District
SURROUNDING ZONING MAP DESIGNATIONS:	North – BR- Bayou Residential District South – RM-Residential District and RU-2- Residential District East – RU-1- Residential District West – RFM- Resort Facilities Medium District
SURROUNDING EXISTING USES:	North – An office building and Bella Marguerite Condominium South – 37 th Avenue and single-family residences East – Intracoastal and single-family residences West – Gulf Blvd and Smiley's Snack Shack

BACKGROUND

In 2013 the City Commission approved a Conditional Use Application (Development Order 2013-0001) to allow for an abandoned hotel facility to utilize 50 temporary lodging units from the density pool. The application included a Variance application that requested to utilize 69 parking spaces in lieu of the 81 spaces required and, to construct a porte-cochere that encroached six feet into the required 20-foot secondary front-yard setback.

The site is approximately 1.26 acres and is currently used as a hotel use with ancillary uses. The property fronts on Gulf Blvd., and 37th Ave. The rear of the hotel is on the Intracoastal and the hotel has existing docks. The site has existing buffering (vegetation) to all sides of the site.

The Zamora Hospitality Group had an Amended Findings of Fact and Order by the Special Magistrate on November 28, 2016 due to a Code Enforcement Notice of Violation. The Special Magistrate cited that in number six the following:

6. The City presented evidence that the Development Order #20130008, is not being adhered to, as the hotel operating on the Property has increased the density from 50 units to 72 units. The City testified, and the Respondent admitted, that the way the rooms are configured within the Property is such that rooms can be subdivided into two (2) one bedroom units or may be used as a two bedroom units. When all rooms are subdivided, there are 72 one bedroom units available for rent on the Property.

Since the Respondent was found in violation they have been subject to providing monthly reports to the City to reflect that no more than 50 units, in any combination of one or two bedroom units, are rented on the property at any given time.

The applicant attended the Technical Review Committee (TRC) on November 21, 2018. There were comments about the building and the land use. The applicant asked about the timeline of the applications.

It should be noted that the applicant has also applied for a Conditional Use application to pull nine units from the density pool, if this application is approved. The Conditional Use would follow the Comprehensive Plan Amendment and the Zoning Map Amendment and if approved could close the pending Code Enforcement Case.

ANALYSIS

The request would change the land use designations on the Future Land Use Map and Zoning Map from BR-Bayou Residential District to the BHC- Boutique Hotel Condo District.

Division 42 of the Land Development Code describes the BR District as intended to support multi-family residential or temporary lodging projects with limited non-residential uses mixed with the residential uses. The permitted primary and secondary uses are as follows: Primary Uses: Residential uses - attached single family, two family, and multi-family. Secondary Uses: commercial uses as a mixed-use component with multi-family residential. The uses allowable with an approved conditional use application are as follows: residential docks, docks-commercial- Class A, docks-commercial-Class B, Temporary Lodging with or without a commercial component, awarded on a first come, first serve basis, to come from the density pool established in the Comprehensive Plan (325 available units for potential use in the Town Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts), off-

premises parking lot, commercial parking lot, and commercial rental of non-motorized water sports equipment.

Division 46 of the Land Development Code describes the BHC District as intended to accommodate multi-family residential and medium intensity transient accommodation uses. This district is not intended to support commercial or other non-residential uses, except those that are accessory and subordinate to transient accommodation uses. The permitted uses are as follows: residential uses-multifamily only, transient accommodations-hotel, motel and resort condominium, and non-residential uses that are accessory and subordinate to transient accommodation uses, such as recreational facilities, restaurants and bars, personal service uses, retail uses, meeting spaces/conference rooms, fitness centers, and spa facilities. The uses allowable with an approved conditional use application are as follows: eating and drinking establishments - full-service restaurant, limited service restaurant, take-out only restaurant, bar/lounge, subject to section 6.24 of the LDC as may be applicable, off-premise parking lot, and subject to the provisions or restrictions contained in this section and elsewhere in the LDC, additional temporary lodging units may be allocated from a density pool via a conditional use as follows: In addition to any transient accommodation units which may be allowed on a per acre basis, there are hereby 125 total transient accommodation units for the entire Boutique Hotel/Condo district, which shall be allocated to individual projects by ordinance of the city commission upon request of an individual property owner. Such allocation shall not exceed an additional twenty (20) units per acre, or a total of 60 units per redevelopment project, irrespective of total project acreage.

The table below would show the differences in the existing land use and zoning of BR- Bayou Residential District and the BHC- Boutique Hotel Condo District as follows:

	Current District	Proposed District
	BR- Bayou Residential District	BHC- Boutique Hotel Condo District
Permitted principal uses	Primary Uses: Residential uses - attached single family, two family, and multi-family. Secondary Uses: commercial uses as a mixed-use component with multi-family residential.	Residential uses-multifamily only, transient accommodations-hotel, motel and resort condominium, and non-residential uses that are accessory and subordinate to transient accommodation uses, such as recreational facilities, restaurants and bars, personal service uses, retail uses, meeting spaces/conference rooms, fitness centers, and spa facilities.
Residential Density	15 units per acre	18 units per acre
Temp lodging	40 units per acre (1.26ac = 50 units) via Conditional Use Permit	50 units per acre (1.26ac = 63 units) or additional 20 units per acre via Conditional Use Permit
FAR	The commercial portion of the mixed use project is 0.3; or The maximum floor area ratio for the commercial portion of a mixed use project is 0.3.	Temporary lodging use shall not exceed an aggregate floor area of 750 square feet per temporary lodging unit excluding indoor amenities, common areas and structured parking. Indoor amenities and common areas shall not exceed an additional 0.2 floor area ratio combined.
ISR	0.70 residential / 0.85 non-residential	0.70

SUMMARY OF AGENCY COMMENTS: No comments have been received from state agencies at this time.

SUMMARY OF PUBLIC COMMENTS: As of this writing, no comments have been received for this application.

REQUEST FOR LAND USE CHANGE

1. Concurrency

- a. Sanitary Sewer – The sanitary sewer is under a moratorium but the City is looking to improve the service. Under the moratorium no net increase or a net decrease in sanitary sewer flow into the City's sanitary sewer system is allowed that would negatively impact the current sanitary sewer system. It is the applicant responsibility to demonstrate that there is no net increase or decrease per Resolution No. 2016-15 and that Policy 1.1.1 Level of Service Standard, found within the Infrastructure Plan Element of the City of St. Pete Beach's Comprehensive Plan is complied with.
- b. Potable Water – The property will have to coordinate with Pinellas County, but the site currently has potable water.
- c. Solid Waste – Removal of solid waste will be from a private provider.
- d. Drainage – The site will need to meet all applicable stormwater design standards.

2. Consistency with the Land Development Code –The applicant will be required to meet all LDC standards including parking space requirements:

The applicant as discussed above had a granted variance that allowed them to have 69 parking spaces in lieu of the 81 required. After the granting of the variance the applicant permitted an approximately 20,242 square foot rooftop bar. At that time parking was not addressed. The required parking for an addition of the rooftop bar was 102 parking spaces. With the addition of 22 rooms the required parking would be 24 parking spaces. As such, the property would need to add an additional 126 parking spaces. The applicant has stated that there is sufficient parking on the site and no additional parking spaces are needed. With the consideration of adding 22 rooms attention needs to be given to the parking space shortage.

Section 23.5- Number of parking spaces required (portion of table)

Transient Accommodations	1 per transient accommodation unit, plus 1 additional per 10 transient accommodation units, plus additional parking for accessory facilities in accordance with the following:
Office space	1 per 300 SF floor area
Retail and restaurant space	1 per 200 SF floor area
Ballrooms, lobby area, conference and meeting rooms, and fitness facilities	1 per 1,000 SF floor area
Vehicle Rental	1 per 200 SF floor area, must be marked as customer spaces plus one for each rental vehicle

3. **Consistency with the Comprehensive Plan** – All development applications shall demonstrate complete compliance with the Comprehensive Plan.

FUTURE LAND USE ELEMENT

Objective 2.4- Consistent with this comprehensive plan, as amended, the City of St. Pete Beach shall enhance and protect the City's character through the encouragement of redevelopment which ensures an orderly and aesthetic mixture of land uses.

Policy 2.3.4- The land development regulations shall ensure that commercial land uses are located in a manner which ensures their compatibility with the type and scale of surrounding land uses and where existing or programmed public facilities shall not be overburdened.

Under Goal 6 in the Future Land Use Plan Element there is additional standards for the Boutique Hotel/Condo District (B-HC). It discusses the location and character, Purpose and Intent, Redevelopment Incentives & Deterrents, Policies, and Permitted Uses and Standards. The following are the policies:

Policy 1: Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at ground levels are equally important for both the street and waterside of buildings. Blank wall facades shall be prohibited.

Policy 2.1: At least one functional public beach access a minimum of seven (7) feet average width shall be provided on all new development projects that redevelop more than 75% of the buildable site unless a hardship exists resulting from a property width that is less than 150 feet.

Policy 2.2: Public beach access will be by foot traffic and wheelchair only and shall be directed to marked paths or dune walkovers in order to protect the dune system. Emergency police, fire rescue and lifeguard response vehicles, or bicycles will be allowed access in a manner that minimizes adverse impacts to the dune system to the maximum extent possible.

Policy 3: All development and redevelopment projects may be required to provide an easement to the City for unimproved public access landward of the mean high water line to provide a continuous, uninterrupted pedestrian beach system.

Policy 4: Professional landscaping and design standards consistent with the standards contained in the LDC shall be the minimum required on the entire building site for new development that exceeds 75% of the buildable site, with particular emphasis on the Gulf Boulevard frontage and screening from any adjacent low-rise residential use that may include landscaping and privacy walls. Landscape design, including the type and quantity of plant material as well as creative tropical hardscape designs, shall be consistent with the quality and character of a high quality tropical resort destination

Policy 5: Increased building setbacks from Gulf Boulevard shall be required for increases to building height allowed for temporary lodging uses.

Policy 6: Temporary lodging uses shall comply with all County and local hurricane closure and evacuation procedures that will ensure orderly evacuation of guests and visitors prior to evacuation orders being issued for residents in Zone A.

Policy 7: All temporary lodging uses shall comply with adopted City rules and regulations that ensure that projects approved as temporary lodging facilities are built, function, operate and are occupied exclusively as temporary lodging uses.

Note: Variances to exceed the maximum residential density, to exceed the maximum floor area ratio, and to exceed the maximum impervious surface ratio as established in the Future Land Use Plan shall be prohibited.

TRANSPORTATION ELEMENT

Policy 1.1.3- The City shall assess new development or redevelopment an equitable pro rata share of the costs to provide road-way improvements to serve the development or redevelopment, as established by the Pinellas County impact fee schedule.

INFRASTRUCTURE PLAN ELEMENT

Objective 1.1- The City of St. Pete Beach shall continue to implement procedures, in cooperation with its sewage, solid waste and potable water system providers to ensure that development permits are issued only when adequate facility capacity is available to serve the development.

Policy 1.1.1

Level of service standards shall be:	
Facility	Level of Service Standard
Sanitary Sewer	149.4 gallons per day per capita
Solid Waste	1.3 tons per person per day
Potable Water	120 gallons per day per capita

Staff Comment: The applicant will have to demonstrate that Policy 1.1.1 Level of Service Standard is complied with.

Policy 1.1.4- Prior to the issuance of a building permit for future development and/or redevelopment activities, the City shall consult with Pinellas County Utilities to ensure that adequate potable water supplies and facilities will be available by the anticipated issuance date of the certificate of occupancy.

Policy 1.1.5- The land development regulations and development review procedures shall be used to ensure that all adopted levels of service are maintained. All new development and redevelopment proposals shall be reviewed under the city's Concurrency Management System Ordinance to ensure the level of service standards established in this element shall be maintained.

Staff Comment: While no project is proposed for this parcel at this time, any project will be subject to the above objectives and policies.

4. **Compatibility with Adjacent Land Uses** – The property lies adjacent to the north the BR- Bayou Residential District which has an existing office building and Bella Marguerite Condominium; to the south RM-Residential District and RU-2- Residential District which is adjacent to 37th Avenue and across the street single-family residences; to the east RU-1- Residential District which is adjacent to the Intracoastal and across the water single-family residences; and to the west RFM- Resort Facilities Medium District which is adjacent to Gulf Blvd and across the street is Smiley's Snack Shack.

The RM-Residential District permitted principal uses and structures are *residential dwellings*-attached and detached single-family, multifamily and two-family. Such dwellings may be used for transient occupancy, so long as any transient occupancy of less than 30 days does not occur more than three times in any 12-month period on any parcel.

The RU-1- Residential District and the RU-2- Residential District permitted principal uses and structures are *residential dwellings*-detached single-family only. Such dwellings shall not be used for transient occupancy.

The RFM- Resort Facilities Medium District permitted principal uses and structures are: clinics, clubs, community service, clubs (private), eating and drinking establishments—bar (cocktail lounge, saloon) or sit-down restaurant, financial institutions without drive-through service, kennels without outdoor runs, laundries (self-service), offices, printing and copying services, residential dwellings—Multifamily only, retail sales, services (personal/business), social service agencies, transient accommodations—bed and breakfast inn, hotel or motel, or resort condominium, and veterinarians.

The general area is a mix of residential, condos, motel/hotels, and commercial. The land use that the applicant is requesting is catty-corner to the subject property. The BR-Bayou Residential District's primary uses are residential and the secondary uses are commercial uses as a mixed-use component with multi-family residential. One of the uses allowed with a conditional use approval are temporary lodging with or without a commercial component, awarded on a first come, first serve basis, to come from the density pool established in the Comprehensive Plan.

The land use that the applicant is proposing is BHC-Boutique Hotel/Condo District. The permitted uses are residential uses—multifamily only, Transient accommodations—hotel, motel and resort condominium, and non-residential uses that are accessory and subordinate to transient accommodation uses, such as recreational facilities, restaurants and bars, personal service uses, retail uses, meeting spaces/conference rooms, fitness centers, and spa facilities.

5. **Transportation** –The site is addressed off of Gulf Blvd., which has a right only exit that appears to be blocked off. The site obtains existing access from 37th Ave. The applicant has not requested an additional access points.

STANDARDS FOR REVIEW

In reviewing the application for a rezoning, Staff, the Planning Board, and the City Commission shall consider whether the proposed rezoning is consistent with and furthers the goals, policies, and action strategies of the Comprehensive Plan. In addition, the Planning Board and City Commission shall consider the following:

- a. **Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the plan. The planning board and city commission shall review the request considering the most intense use permitted in the requested zone district;** *The permitted uses are residential uses—multifamily only, transient accommodations—hotel, motel and resort condominium, and non-residential uses that are accessory and subordinate to transient accommodation uses, such as recreational facilities, restaurants and bars, personal service uses, retail uses, meeting spaces/conference rooms, fitness centers, and spa facilities. The uses allowable with an approved conditional use are eating and drinking establishments - full-service restaurant, limited service restaurant, take-out only restaurant, bar/lounge, subject to section 6.24 of this Code as may be applicable, off-premise parking lot, Subject to the provisions or restrictions contained in this section and elsewhere in this Code, additional temporary lodging units may be allocated from a density pool via a conditional use as follows: In addition to any transient accommodation units which may be allowed on a per acre basis, there are hereby 125 total transient accommodation units for the entire Boutique Hotel/Condo district, which shall be allocated to individual projects by ordinance of the city commission upon request of an individual property owner. Such allocation shall not exceed an additional twenty (20) units per acre, nor a total of 60 units per redevelopment project, irrespective of total project acreage. The use is currently a hotel and will continue with the same use.*
- b. **Compatibility with adjacent properties and the existing land use pattern;** *There is an existing hotel on the site and the compatibility would be the same as it currently exists.*
- c. **Possible creation of an isolated district unrelated to adjacent and nearby districts;** *The BHC- Boutique Hotel Condo District is catty-corner from the subject property.*
- d. **The population density pattern and increase in demand for public utilities or services, including potable water supply, sanitary sewer capacity, law enforcement or fire suppression;** *The use is hotel use and the demand on the public utilities and/or services would be the same.*
- e. **Any increase in use of city infrastructure, including stormwater management facilities, streets and roads, water lines, sewer lines or lift stations;** *It is not anticipated that there would be an increase in use of the City's infrastructure.*
- f. **Whether existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change;** *The land use and zoning would be for the entire lots that the hotel currently exists on.*
- g. **Whether changed or changing conditions make the passage of the proposed amendment necessary;** *The applicant is proposing the land use and zoning amendment.*
- h. **Whether the proposed change will adversely affect drainage.** *The site is required to meet all applicable stormwater design standards.*
- i. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations;** *The*

subject property is a corner lot that fronts on Gulf Blvd., and 37th Ave., there are existing single-family residences, condos, and commercial uses surrounding the hotel use. There should be no reason that the proposed change would deter an improvement to the neighboring properties.

- j. Whether the proposed change will constitute a grant of special privileges to an individual owner as contrasted with the public welfare;** *The use is a hotel and will remain a hotel per the applicant.*
- k. Whether the change suggested is out of scale with the needs of the neighborhood or the city.** *The proposed request would be compatible with the surrounding area. However, the parking spaces required is deficient and should be brought up to LDC requirements to insure there is appropriate parking on the site.*

PROPOSED FINDINGS OF FACT – LAND USE CHANGE

1. The request is to re-designate approximately 1.26 acres from the BR- Bayou Residential District to the BHC- Boutique Hotel Condo District.
2. The site lies immediately adjacent to an existing office building and a condominium, 37th Avenue and across the street single-family residences, the Intracoastal and across the water single-family residences and Gulf Blvd and across the street is an eating establishment.
3. The parking spaces on the site are currently deficient and with the proposed land use amendments the applicant could have 63 units (50 existing + 13 with the density in BHC). The applicant would be required to add 14 parking spaces. The required parking for an addition of the rooftop bar was 102 parking spaces. With the addition of 22 rooms (13 rooms from the land use amendment plus an additional 9 rooms proposed to be pulled from the density pool (CU-18-00032) = 22 new rooms) the required parking would be 24 parking spaces. As such, the property would need to add an additional 126 parking spaces to be in compliance.
4. Concurrency would need to be demonstrated if the proposed use required any additional sanitary sewer, potable water, solid waste and drainage.

STAFF RECOMMENDATION

It has been determined that the reviewing body (Planning Board) may recommend approval of the applications. The proposed land use and zoning amendment does not pose compatibility issues based on the existing surrounding land uses. The proposal as outlined is generally consistent with the policies of the Comprehensive Plan. Granting this request will not adversely affect the public interest, and would be generally compatible with adjacent properties and other properties in the area. However, staff has concerns with the deficient parking on the existing site and with the additions of units proposed parking would be further increasing the deficiency of parking spaces. Based on the findings of fact and the analysis, staff recommends **Approval** of the Comprehensive Plan Amendment and the Zoning Amendment with the requirement in the upcoming Conditional Use application CU-18-00032 the applicant resolve the deficiency in the parking spaces required.

ORDINANCE NO. 2019-03

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE CITY OF ST. PETE BEACH FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN BY REDESIGNATING APPROXIMATELY 1.26 ACRES FROM THE BR - BAYOU RESIDENTIAL DISTRICT TO THE BHC - BOUTIQUE HOTEL CONDO DISTRICT; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR APPLICABILITY; PROVIDING FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach has received an application for the amendment of the Future Land Use Designation of the property described herein from the owners thereof; and

WHEREAS, the City's Planning Board has reviewed this ordinance, found it to be consistent with the City's adopted comprehensive plan and has recommended approval thereof; and

WHEREAS, the City Commission, as the City's local planning agency, has found this ordinance to be consistent with the City's adopted comprehensive plan; and

WHEREAS, the City Commission has found this ordinance to be in the best interest, safety and welfare of the citizens of the city; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law.

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

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

SECTION 2. The Comprehensive Plan of the City of St. Pete Beach, Florida is hereby amended by amending the Future Land Use Plan Map incorporated therein for the property generally located at 3701 and 3751 Gulf Blvd., Don Ce-Sar Place, Section 7, Township 32 South, from BR- Bayou Residential District to BHC- Boutique Hotel Condo District.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

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

legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2019.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

Andrew Dickman, City Attorney

ORDINANCE NO. 2019-04

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING THE CITY OF ST. PETE BEACH ZONING MAP OF THE CITY'S LAND DEVELOPMENT CODE BY REDESIGNATING APPROXIMATELY 1.26 ACRES FROM THE BR - BAYOU RESIDENTIAL DISTRICT TO THE BHC - BOUTIQUE HOTEL CONDO DISTRICT; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR APPLICABILITY; PROVIDING FOR MODIFICATION THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach has received an application for the amendment of the Official Zoning Map of the property described herein from the owners thereof; and

WHEREAS, the City's Planning Board has reviewed this ordinance, found it to be consistent with the City's adopted comprehensive plan and has recommended approval thereof; and

WHEREAS, the City Commission, as the City's local planning agency, has found this ordinance to be consistent with the City's adopted comprehensive plan; and

WHEREAS, the City Commission has found this ordinance to be in the best interest, safety and welfare of the citizens of the city; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law.

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

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

SECTION 2. The Land Development Code of the City of St. Pete Beach, Florida is hereby amended by amending the Official Zoning Map incorporated therein by changing the zoning district of the property generally located at 3701 and 3751 Gulf Blvd., Don Ce-Sar Place, Section 7, Township 32 South, from BR- Bayou Residential District to BHC- Boutique Hotel Condo District.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

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

legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

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SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2019.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

Andrew Dickman, City Attorney

Conditional Use Application



City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
(727) 367-2735
www.stpetebeach.org

Case Number: PLN 18-00032

PROPERTY OWNER:

Name: Zamora Hospitality Group, LLC

Address: 360 Blanca Avenue

City: Tampa State: FL

Zip: 33606

Telephone: _____

Email: dmangar1@icloud.com

APPLICANT/AGENT (Attach agent authorization form):

Name: Marilyn Mullen Healy, Esq., Akerman LLP

Address: 401 East Jackson Street, Suite 1700

City: Tampa State: FL

Zip: 33602

Telephone: (813) 209-5025

Email: Marilyn.Healy@akerman.com

SUBJECT PROPERTY:

3701 and 3751 Gulf Blvd.

Address: St. Pete Beach, FL

Current Name of Business: Hotel Zamora

Parcel ID: 07-32-16-21852-029-0001 Name of Project: Hotel Zamora

DETAILS OF THE REQUEST, INCLUDING APPLICABLE CODE SECTIONS AND ANY ASSOCIATED CASES (Add additional sheets if necessary):

We are requesting allocation of 9 Temporary Lodging Units from the density pool (in addition

to 63 Temporary Lodging Units based on property acreage) which will entitle the property

with a total of 72 Temporary Lodging Units.

dmangar1
Signature of Applicant / Agent

October 5, 2018
Date

In order for an application for a conditional use to be approved or approved with conditions, the City Commission must make a positive finding with regard to each of the provisions below, pursuant to Division 4 of the City's Land Development Code (LDC). The applicant has the burden of proof demonstrating that the application for the conditional use complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. **LDC Sec. 4.4(a)(1)** Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan and any adopted special area plan.

The request for 9 Temporary Lodging Units is clearly consistent with the goals, policies and objectives of the City's Comprehensive Plan. Policies 2.1.1, 2.1.7, 2.3.5, 2.13, 2.13.1, 2.13.3, Goal 6; and Objective 3.1(b)1. Per the City's request, two amendment applications have been filed: one to the City's Comprehensive Plan Map and a rezoning of the property. If the two amendment applications are approved, the Conditional Use will be consistent with the Comprehensive Plan as well as the Land Development Code.

2. **LDC Sec. 4.4(a)(2)a-d** Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential commercial and/or service facilities available within the existing area. More specifically:

- a. Whether the overall appearance and function of the area will be significantly affected consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;

The Hotel building was originally approved by the City of St. Pete Beach in 2008 and the City issued building permits for the construction of the existing 72 room Hotel building. Due to unforeseen fiscal issues with the construction lender, the construction of the building ceased after it was 75 to 80% complete. On January 22, 2013, the City approved a Conditional Use for 50 Transient Lodging Units (Development Order 2013-0001). The Hotel is existing and operating in compliance with the City approvals. Due to the design of the rooms, the City has asserted that there is the potential to rent a maximum of 72 one-bedroom rooms. There is no impact to the City's infrastructure as no new rooms and no new utilities are proposed. The Hotel will continue to operate just as it was approved and exists today, but will have additional flexibility of room configuration offered to the public.

- b. Whether the application will preserve any city, state, or federally designated historic, scenic, archaeological, or cultural resources (check with Community Development to determine historic resource status);

The Hotel is existing and the property does not include any historic, scenic, archaeological or cultural resources.

- c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale, or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features;

The constructed Hotel building style is complementary to the adjacent buildings along Gulf Boulevard. The building is designed in accordance with the height, bulk and placement requirements of the Bayou Residential zoning district. The first floor parking area is integrated into the appearance of the Hotel and provides a pleasing ascetic to the overall design concept. Landscaping has been installed on the property which significantly enhances the appearance of the property. The addition of the 9 Temporary Lodging Units (for a total of 72 Temporary Lodging Units) will require no modifications either externally or internally of the Hotel building.

- d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues;

Allowing the additional 9 Temporary Lodging Units (for a total of 72 Temporary Lodging Units) will not have an adverse impact on the livability and usability of the nearby landowners. The Hotel continues to be a good neighbor to the community. There will be no changes in the existing operations of the Hotel.

3. Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety (a traffic study may be required);

The transportation concurrency impacts of a 72 room Hotel were evaluated as part of the 2008 & 2013 City approvals. The traffic impacts of the additional 9 Transient Lodging Units (for a total of 72 Temporary Lodging Units) are de minimis.

4. Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely (please provide current and proposed number of parking and loading spaces);

Parking spaces for the additional 9 Temporary Lodging Units will be provided off-site pursuant to a third party agreement and/or an alternative parking arrangement to be approved by the City. Currently, the Hotel has 69 parking spaces on site, with a mandatory valet service to allow for back to back parking for 145 cars, per the City 2013 approval. The appropriate permitted loading spaces are already in existence.

5. Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;

The Hotel is designed to fully protect the health, safety and welfare of the public.

6. Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision of such improvements and mitigation; and,

There are no additional improvements to the existing Hotel building or the property.

7. The proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.

The existing 72-room Hotel Zamora received its building permit in 2008. On January 22, 2013, the City approved a Conditional Use for 50 Transient Lodging Units (Development Order 2013-0001). The Hotel is existing and operating in compliance with the City approvals. Due to the design of the rooms, the City has asserted that there is the potential to rent a maximum of 72 one-bedroom rooms. There is no impact to the City's infrastructure as no new rooms and no new utilities are proposed. *

Sec. 4.12 of the Land Development Code additionally requires conditional use applications within the community redevelopment district to be evaluated upon the extent to which the applicant can demonstrate that the following issues are addressed in a manner consistent with the policies established in the community redevelopment plan for the district and that no unreasonable or disproportionately negative impacts are imposed upon adjacent or nearby properties:

1. Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunications services.

No infrastructure is proposed to be amended. The Hotel Zamora 72 room configuration including bathrooms and associated utilities will remain as constructed.

2. Transportation infrastructure, including ingress and egress from public rights-of-way, traffic control devices and signalization, internal vehicle circulation of the site, design and function of parking areas, loading and unloading areas, pedestrian transit infrastructure and amenities, and public sidewalks and roadways.

No infrastructure changes are proposed or required. No infrastructure is proposed to be amended. The Hotel Zamora 72 room configuration including bathrooms and associated utilities will remain as constructed.

3. Hydrological features and storm water management infrastructure.

No infrastructure is proposed to be amended. The Hotel Zamora 72 room configuration including bathrooms and associated utilities will remain as constructed.

4. Aesthetic and architectural features of the development, including site layout, physical dimensions of structures such as height and massing, design and appearance of building facades, exterior building materials, advertising and directional signage and the provision and maintenance of Gulf and Bay views and vistas.

The appearance of the Hotel Zamora will remain as constructed. No infrastructure is proposed to be amended. The Hotel Zamora 72 room configuration including bathrooms and associated utilities will remain as constructed.

5. Site landscaping, open space provision and impervious surface limitations.

The appearance, footprint and open space of the Hotel Zamora will remain as constructed.

6. Operational and functional requirements of facilities, including hours of operation, provision of required services or amenities, lighting requirements, noise abatement requirements, residency limitations and facilities maintenance.

All existing operations of the Hotel Zamora will remain the same.

7. Fire suppression and facility security.

All existing operations of the Hotel Zamora will remain the same.

8. Emergency management and hurricane evacuation provisions.

All existing operations of the Hotel Zamora will remain the same.

*The Hotel will continue to operate just as it was approved and exists today, but will have additional flexibility of room configuration offered to the public.

9. For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre, the following additional issues shall be considered:

a. The amount of separation provided between the proposed temporary lodging use and any existing buildings on adjoining properties and resulting impact on sunlight and views; and

b. The proximity of any adjacent residential building to the Florida Coastal Construction Control Line and the degree to which the proposed temporary lodging use and/or any accessory use or structure maintains an open view of the waterfront from neighboring properties.

No infrastructure is proposed to be amended. The Hotel Zamora 72 room configuration including bathrooms and associated utilities will remain as constructed.



**DEPARTMENT OF COMMUNITY DEVELOPMENT
CONDITIONAL USE APPLICATION
STAFF FINDINGS REPORT
TO THE
PLANNING BOARD**

APPLICATION NUMBER: CU-18-00032 Marilyn Mullen Healy, Esq., for Zamora Hospitality Group, LLC
PREPARED BY: Community Development Staff
MEETING DATE: December 17, 2018

This application is a request for a Conditional Use Application:

CONDITIONAL USE REQUEST:	To allow for nine temporary lodging units to be utilized from the density pool in accordance with the City of St. Pete Beach Land Development Code, Division 46- BHC- Boutique Hotel Condo District, Section 46.4- Allowable Conditional Uses.
LOCATION:	3701and 3751 Gulf Boulevard; Parcel number 07-32-16-21852-029-0001 ; more specifically, Don Ce-Sar Place Blk H, All Of Blk H Less Rd Together With That 10ft Wide Strip E'ly Of Seawall Labeled "Reserved" Per Deed 987/117 Together With Lot 30, Blk A Of Belle Vista Beach 1st Add Less Rd R/W, Plat Book 13, Page 15. A complete legal description of the property is on file with Community Development.
ACREAGE:	Approximately acres 1.26 (57,885.6 square feet)
SURROUNDING FUTURE LAND DESIGNATIONS:	North – BR- Bayou Residential District South – RM- Residential District and RU- Residential Urban District East – RU- Residential Urban District West – RFM- Resort Facilities Medium District
SURROUNDING ZONING MAP DESIGNATIONS:	North – BR- Bayou Residential District South – RM-Residential District and RU-2- Residential District East – RU-1- Residential District West – RFM- Resort Facilities Medium District
SURROUNDING EXISTING USES:	North – An office building and South – 37 th Avenue and single-family residences East – Intracoastal and Bella Marguerite Condominium West – Gulf Blvd and Smiley's Snack Shack

BACKGROUND

It should be noted that the applicant has also applied for a Comprehensive Plan Amendment and a Zoning Amendment (Application No. CPA/ZM-18-00028). The request would change the land use designations on the Future Land Use Map and Zoning Map from BR-Bayou Residential District to the BHC- Boutique Hotel Condo District.

In 2013 the City Commission approved a Conditional Use Application (Development Order 2013-0001) to allow for an abandoned hotel facility to utilize 50 temporary lodging units from the density pool. The application included a Variance application that requested to utilize 69 parking spaces in lieu of the 81 spaces required and, to construct a porte-cochere that encroached six feet into the required 20-foot secondary front-yard setback.

The site is approximately 1.26 acres and is currently used as a hotel use with ancillary uses. The property fronts on Gulf Blvd., and 37th Ave. The rear of the hotel is on the Intracoastal and the hotel has existing docks. The site has existing buffering (vegetation) to all sides of the site.

The Zamora Hospitality Group had an Amended Findings of Fact and Order by the Special Magistrate on November 28, 2016 due to a Code Enforcement Notice of Violation. The Special Magistrate cited that in number six the following:

6. The City presented evidence that the Development Order #20130008, is not being adhered to, as the hotel operating on the Property has increased the density from 50 units to 72 units. The City testified, and the Respondent admitted, that the way the rooms are configured within the Property is such that rooms can be subdivided into two (2) one bedroom units or may be used as a two bedroom units. When all rooms are subdivided, there are 72 one bedroom units available for rent on the Property.

Since the Respondent was found in violation they have been subject to providing monthly reports to the City to reflect that no more than 50 units, in any combination of one or two bedroom units, are rented on the property at any given time.

The applicant attended the Technical Review Committee (TRC) on November 21, 2018. There were comments about the building and the land use. The applicant asked about the timeline of the applications.

ANALYSIS

This application as proposed is to utilize nine temporary lodging units from the density pool in accordance with the LDC, Division 46- BHC- Boutique Hotel Condo District. The property has utilized 50 units from the Bayou density pool and with this application the 50 units would be returned to the Bayou density pool.

Density Pool Information			
<i><u>District</u></i>	<i><u>Total Units Maximum</u></i>	<i><u>Total Units Utilized</u></i>	<i><u>Total Units Remaining</u></i>
<i>Boutique Hotel/Condo</i>	<i>125</i>	<i>0 9</i>	<i>125 116</i>
<i>Town Center Core</i>	<i>50</i>	<i>0</i>	<i>50</i>
<i>Upham Beach Village</i>	<i>175</i>	<i>0</i>	<i>175</i>
<i>Total</i>	<i>350</i>	<i>0</i>	<i>350 341</i>

Density Pool Information			
<u>District</u>	<u>Total Units Available</u>	<u>Total Units Utilized</u>	<u>Total Units Remaining</u>
<i>Town Center Core-Corey Circle</i> <i>(Max 150 per project)</i>	325	50 0	275 325
<i>Town Center Core-Coquina West</i>			
<i>Activity Center (Max 50 per project)</i>			
<i>Bayou Residential (no cap per project)</i>			
Total	325	50 0	275 325

SUMMARY OF AGENCY COMMENTS: No comments have been received from state agencies at this time.

SUMMARY OF PUBLIC COMMENTS: As of this writing, no comments have been received for this application.

1. **Consistency with the Land Development Code** –The applicant will be required to meet all LDC standards at the time of permitting. The applicant as discussed above had a granted variance that allowed them to have 69 parking spaces in lieu of the 81 required. After the granting of the variance the applicant permitted an approximately 20,242 square foot rooftop bar. At that time parking was not addressed. The required parking for an addition of the rooftop bar was 102 parking spaces. With the addition of 22 rooms (13 allowed in the BHC if approved via application CPA/ZM-18-00028 + the 9 requested from the density pool =22) the required parking would be 24 parking spaces. As such, the property would need to add an additional 126 parking spaces. The applicant has stated that there is sufficient parking on the site and no additional parking spaces are needed. With the consideration of adding these rooms attention needs to be given to the parking space shortage. The Land Development Code requirements are as follows:

Section 23.5- Number of parking spaces required (portion of table)

Transient Accommodations	1 per transient accommodation unit, plus 1 additional per 10 transient accommodation units, plus additional parking for accessory facilities in accordance with the following:
Office space	1 per 300 SF floor area
Retail and restaurant space	1 per 200 SF floor area
Ballrooms, lobby area, conference and meeting rooms, and fitness facilities	1 per 1,000 SF floor area
Vehicle Rental	1 per 200 SF floor area, must be marked as customer spaces plus one for each rental vehicle

2. **Consistency with the Comprehensive Plan** – All development applications shall demonstrate complete compliance with the Comprehensive Plan.

Future Land Use Plan Element

Policy 2.1.8 All temporary lodging units shall be prohibited from conversion to permanent residential dwelling units that exceed the maximum permitted density and intensity standards applicable to the property.

Policy 2.1.9 No temporary lodging unit shall be occupied as a residential dwelling unit. Temporary lodging uses within the Community Redevelopment District shall not be occupied for more than thirty (30) consecutive days by the same temporary lodging unit guest or more than thirty days cumulatively on an annual basis for a resort condominium unit owner. In other words, the thirty days is measured beginning on the first day of any occupancy until 365 days from that date. The City of St. Pete Beach may require affidavits of compliance with this policy from each temporary lodging use and/or unit owner. Seller of temporary lodging unit shall be responsible for advising the purchaser of this requirement. In addition, any seller of a resort condominium project or temporary lodging unit shall be required to record a covenant in the public records of Pinellas County agreeing to said restriction prior to conveyance.

In the Future Land Use Plan Element of the St. Pete Beach Comprehensive Plan, under the title Boutique hotel/Condo District (B-HC) the following policies are relevant and the applicant must be in compliance:

Policy 6: Temporary lodging uses shall comply with all County and local hurricane closure and evacuation procedures that will ensure orderly evacuation of guests and visitors prior to evacuation orders being issued for residents in Zone A.

Policy 7: All temporary lodging uses shall comply with adopted City rules and regulations that ensure that projects approved as temporary lodging facilities are built, function, operate and are occupied exclusively as temporary lodging uses.

Permitted Uses and Standards

(a) **Primary uses** - Temporary lodging use - hotel, motel, resort condominium; medium density residential.

(b) **Secondary uses** - None.

(c) **Density/Intensity and Height Standards** - shall be calculated on the basis of those portions of the site which are landward of the Florida Coastal Construction Control Line and shall be permitted as follows:

1. Density - Shall not exceed the following:

- a. 50 temporary lodging units per acre unless approved by ordinance of the City Commission to provide additional temporary lodging units from the TLU Density Pool established below; or
- b. 18 residential units per acre; and
- c. Any increases to temporary lodging unit density is subject to the restrictions and limitations in Section (2) below - Temporary Lodging Unit Reserve; and
- d. Variances to exceed the maximum residential density above as established in the Future Land Use Plan shall be prohibited.

2. Temporary Lodging Unit Density Pool ("TLU Density Pool") - The City shall establish a TLU Density Pool not to exceed a total of 125 units for the entire Boutique Hotel/Condo district and the following shall govern the allocation of density from the TLU Density Pool:

- a. The TLU Density Pool shall be allocated to individual projects by ordinance of the City Commission upon request of an individual property owner; and
- b. Such allocation may be up to but shall not exceed twenty (20) temporary lodging units per acre and further, the cumulative allocation shall not exceed sixty (60) units per development project; and
- c. The number of available temporary lodging units remaining after such project allocation shall be specified in each City Commission ordinance allocating such units and each such ordinance shall provide that no units beyond those TLU Density Pool units remaining available to the Boutique Hotel/ Condo District shall be allocated to any subsequent temporary lodging use project; and
- d. This limitation shall be absolute and shall apply regardless of the proposed size or density of the project requesting such allocation. Such units shall be established exclusive of any other use provided for in the District.

(d) Intensity Standards.

1. Temporary lodging use shall not exceed an aggregate floor area of 750 square feet per temporary lodging unit excluding indoor amenities, common areas and structured parking. Indoor amenities and common areas shall not exceed an additional 0.2 floor area ratio combined. For example: 50 units x 750 square feet = 38,500 square feet plus 0.2 x total parcel square feet for common areas & indoor amenities = total building square footage, excluding structured parking.
2. Variances to exceed the maximum floor area ratio above as established in the Future Land Use Plan shall be prohibited.

(e) Height shall not exceed, but shall be permitted up to the following, subject to height limitations contained in the LDC:

1. Seventy-six (76) feet above base flood elevation for any building that exclusively contains only temporary lodging uses with a minimum setback of one hundred (100) feet from Gulf Boulevard; or
2. Sixty-five (65) feet above based flood elevation for any building that exclusively contains only temporary lodging uses with a minimum setback of seventy-five (75) feet from Gulf Boulevard; or
3. Fifty (50) feet above base flood elevation for any buildings containing multi-family residential dwelling units. , or any temporary lodging facility that does not comply with the minimum setbacks required for additional height established in sections (e)1 and (e)2 above, subject to a minimum setback of fifty (50) feet from Gulf Boulevard; and
4. Any increases to, including variances to increase, each of the maximum heights set forth above for this Boutique Hotel/Condo Resort character district shall be prohibited.

(f) Impervious Surface Ratio Standards - shall not exceed:

1. 0.85 impervious surface ratio for any exclusive temporary lodging uses; or
2. 0.70 impervious surface ratio for any residential use or combined residential and temporary lodging use; and

3. Variances to exceed the maximum impervious surface ratio above as established in the Future Land Use Plan shall be prohibited.

CONDITIONAL USE PERMITS- 4.4 STANDARDS FOR REVIEW

When considering an application for approval of a conditional use, the City Commission review shall consider the following standards:

- (1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan and these regulations;**
The conditional use request is consistent with the policies as stated above in this staff report.
- (2) Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential, commercial and/or service facilities available within the existing area. More specifically:**
 - a. **Whether the overall appearance and function of the area will be significantly affected. Consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;** *The overall appearance will not be affected as no construction is proposed to take place. The additional rooms already exist at this time.*
 - b. **Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources;** *This application does not impact any known city, state or federally designated historic, scenic, archaeological, or cultural resources.*
 - c. **Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features.** *The use of a hotel is existing on this site and the adjacent development appears to be compatible.*
 - d. **Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues.** *The use of the property and the operations should be the same as this is an existing use.*
- (3) Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety;** *As discussed above in this staff report there is an issue with the number of parking spaces required. The site would*

have to add 126 parking spaces to be in compliance with the LDC. It is unclear as to where these parking spaces would be located.

- (4) **Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely;** *As previously discussed there is not enough parking for this site. With 126 parking spaces needed to meet LDC requirements it is unclear as how the applicant will provide additional parking spaces of that volume.*
- (5) **Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;** *The use of the property is not proposed to be changed but there is not enough parking for all of the uses on the site currently and proposed.*
- (6) **Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation;** *The parking spaces have been discussed with the applicant and it remains unclear if the applicant is going to provide additional parking spaces or propose a variance application.*
- (7) **Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.** *The existing use and the proposed use don't comply with LDC Section 23.5- Number of parking spaces required. The applicant needs to find a remedy for the inadequate amount of parking spaces for this site.*

STAFF RECOMMENDATION

It has been determined that the reviewing body (Planning Board) may recommend a conditional approval of the application. The proposed Conditional Use application does not pose compatibility issues. The proposal as outlined is consistent with the policies of the Comprehensive Plan. Granting this request will not adversely affect the public interest, and would be generally compatible with adjacent properties and other properties in the area, as long as staff conditions are adhered to. Based on the findings of fact and the analysis, staff recommends Approval with the following conditions:

- 1. The Conditional Use application is to utilize nine units from the Boutique Hotel/Condo density pool and give back the 50 units (Ordinance 2013-02) to the Bayou Residential density pool.
- 2. The applicant must provide additional paved and permanent parking spaces consisting of 126 parking spaces for use of the Hotel Zamora only. The proposed 126 spaces have to be of close proximity (less than ½ a mile) to the Hotel Zamora and be approved by the Community Development Director.
- 3. Where standards are not specified herein, the City of St. Pete Beach Land Development Code standards (or current code standards) will apply.

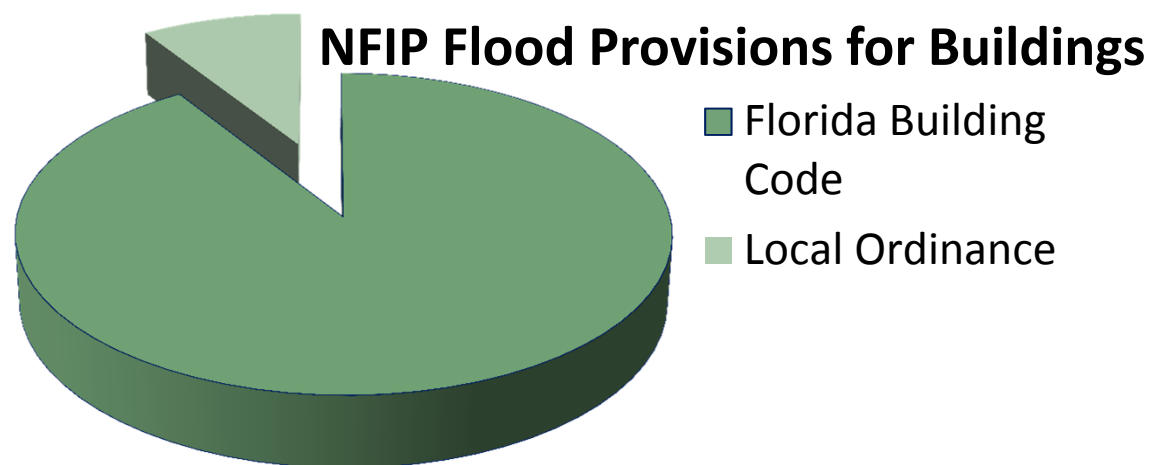


ORDINANCE 2018-08 Floodplain Management Regulations and the Florida Building Code



STATE MODEL FPM ORDINANCE

- More specific administrative provisions
- Definitions match the FBC
- Recaptures **and regulates** buildings exempt from the FBC
- Coordination between the Building Official and Floodplain Administrator



NEW STATE MODEL ORDINANCE

- Has provisions for development other than buildings
 - Manufactured homes, recreational vehicles, tanks, floodplain fill, channel alterations
- Incorporates long-standing FEMA policies and guidance, facilitating interpretation and compliance

REVISIONS TO OUR ORDINANCE

- Give authority of Floodplain Administrator through the Flood Ordinance.
- Definitions match the FBC
- Added an approved concept for estimating substantial improvements
- Recaptures **and regulates** buildings exempt from the FBC
- Omits requirement for Certificate of Occupancy as it is outlined in FBC

REVISIONS TO OUR ORDINANCE

- Changes made to Appeals and Variances to make process more clear
- Adds language to make it clear that Board or City Commission are bound to the Ordinance
- Omits reference to manufactured home parks and subdivisions
- Omits reference that certain zoning districts are exempt from 1 foot freeboard requirement
- Allows for sliding doors / sliders for access

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/HG 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.

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.

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.

~~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 provide adequate lot grading for drainage;
2. The use of fill ~~shall~~ will not create any additional storm water runoff onto abutting property;
3. Proper swales are provided along all abutting properties;

4. The fill is used for Landscaping, sidewalks and driveways;
5. ~~If In the absence of~~ proper swales, ~~are not sufficient or not desired, then a~~ concrete wall at least 8 inches high ~~shall be~~ is provided; and
6. ~~If A~~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.

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