ORDINANCE NO. 2025-01

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE FLAGLER BEACH CODE OF ORDINANCES, APPENDIX "A," LAND DEVELOPMENT REGULATIONS, TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO ADOPT AND REFORMAT LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY, SEVERABILITY, AND 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 **City of Flagler Beach** participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class **#6)**, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for the **City of Flagler Beach** to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus ~~1 foot~~, <u>two (2) feet</u> which necessitates modification of the existing requirements; and

WHEREAS, the **City Commission** determined that it is in the public interest to amend the floodplain management regulations to better protect manufactured homes and to continue participating in the Community Rating System at the current class rating.

WHEREAS, Chapter 553, Florida Statutes, allows for local administrative and 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; and

WHEREAS, the **City of Flagler Beach** previously adopted local amendments to the Florida Building Code and is reformatting those amendments; and

WHEREAS, the **City Commission** previously adopted local amendments to the Florida Building Code to (1) limit enclosures below elevated buildings in coastal high hazard areas and Coastal A Zones, (2) increase the minimum elevation requirements for nonresidential buildings and dwellings in coastal high hazard areas, and (3) require construction documents for dwellings to be prepared and sealed by registered design professionals, 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., and is reformatting those requirements to coordinate with the *Florida Building Code*; and

WHEREAS, the **City Commission** is adopting a requirement to increase the minimum elevation requirement for dwellings in all 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 Commission** 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.

NOW, THEREFORE, BE IT ORDAINED by the **City Commission** of the **City of Flagler Beach** that the **Code of Ordinances, Appendix" A," Land Development Regulations,** is amended as set forth in the following amendments.

SECTION 1. AMENDMENTS

Appendix "A," LAND DEVELOPMENT REGULATIONS OF THE CITY OF FLAGLER BEACH CODE OF ORDINANCES is hereby amended as follows (Note: additions are shown as underline text, deletions are shown as ~~strikethrough~~, and portions of the Code that remain unchanged and which are not reprinted here are show as ellipses (***)).

ARTICLE IV. ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION[1]

Sec. 4.07.00. Floodplain management.

Sec. 4.07.01. General.

(A) *Title.* These regulations shall be known as the "Floodplain Management Ordinance" of the city, hereinafter referred to as "this ~~article~~ section."

(B) *Scope.* The provisions of this ~~article~~ 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.

(C) *Intent.* The purposes of this ~~article~~ 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 disruption of commerce, access and public service during times of flooding;

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[1]Editor's note(s)—Ord. No. 2017-02, § 2, adopted May 11, 2017, amended the title of art. IV, to read as set out herein. Previously art. IV was titled "Resource Protection Standards."

(2) Require the use of appropriate construction practices 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;

(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(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.

(D) *Coordination with the Florida Building Code.* This ~~article~~ 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.

(E) *Warning.* The degree of flood protection required by this ~~article~~ section and the Florida Building Code, as amended by the city, 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 ~~article~~ 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 and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community 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 ~~article~~ section.

(F) *Disclaimer of liability.* This ~~article~~ section shall not create liability on the part of the city commission or by any officer or employee thereof for any flood damage that results from reliance on this ~~article~~ section or any administrative decision lawfully made there under.

Sec. 4.07.02. Applicability.

(A) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(B) *Areas to which this ~~article~~ section applies.* This ~~article~~ section shall apply to all flood hazard areas within the city, as established in subsection (C).

(C) *Basis for establishing flood hazard areas.* The flood insurance study for Flagler County, Florida and Incorporated Areas dated ~~July 17, 2006~~ June 6, 2018, and for Volusia County, Florida and Incorporated Areas dated ~~February 19, 2014~~ September 29, 2017, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ~~article~~ 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 Flagler Beach City Hall, located at 105 S. 2nd Street, Flagler Beach, FL, 32136.

(D) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to Section ~~4.07~~ 4.07.05 the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a state licensed professional surveyor or digital topography accepted by the community 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 ~~article~~ 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 applicant obtains a letter of map change that removes the area from the special flood hazard area.

(E) *Other laws.* The provisions of this ~~article~~ section shall not be deemed to nullify any provisions of local, state or federal law.

(F) *Abrogation and greater restrictions.* This ~~article~~ section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ~~article~~ section and any other ordinance, the more restrictive shall govern. This ~~article~~ section shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ~~article~~ section.

(G) *Interpretation.* In the interpretation and application of this ~~article~~ section, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 4.07.03. Duties and powers of the floodplain administrator.

(A) *Designation.* The city engineer, or his designee is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(B) *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this ~~article~~ section. The floodplain administrator shall have the authority to render interpretations of this ~~article~~ section consistent with the intent and purpose of this ~~article~~ 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 ~~article~~ section without the granting of a variance pursuant to Section ~~4.05.07~~ 8.04.16(b).

(C) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the city, shall:

(1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

(2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ~~article~~ section;

(3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

(4) Provide available flood elevation and flood hazard information;

(5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(6) Review applications to determine whether proposed development will be reasonably safe from flooding;

(7) 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 ~~article~~ section is demonstrated, or disapprove the same in the event of noncompliance; and

(8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ~~article~~ section.

(D) *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, in coordination with the building official, shall:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the 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 ~~article~~ section is required.

(E) *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section ~~4.05.07~~ 8.04.16(b).

(F) *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 ~~article~~ section.

(G) *Inspections.* The floodplain administrator shall make the required inspections as specified in Section ~~4.05.06~~ 4.07.06 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.

(H) *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section ~~4.05.03(D)~~ 4.07.03(D);

(2) 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 flood insurance rate maps if the analyses propose to change base flood elevations, or flood hazard area boundaries; such submissions shall be made within six (6) months of such data becoming available;

(3) Review required design certifications and documentation of elevations specified by this ~~article~~ section and the Florida Building Code and this ~~article~~ section to determine that such certifications and documentations are complete;

(4) Notify the Federal Emergency Management Agency when the corporate boundaries of the city are modified; and

(5) Advise applicants for new buildings and structures, including substantial improvements, which are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

(I) *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 ~~article~~ section and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; 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 ~~article~~ 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, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ~~article~~ section and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Flagler Beach City Hall, located at 105 S. 2nd Street, Flagler Beach, FL, 32136.

Sec. 4.07.04. Permits.

(A) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ~~article~~ 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 the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ~~article~~ section and all other applicable codes and regulations has been satisfied.

(B) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ~~article~~ 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.

(C) *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 ~~article~~ section:

(1) Railroads and ancillary facilities associated with the railroad.

(2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.

(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 F.S. § 366.02, 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 subsection, 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 two hundred fifty (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 F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

(D) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the city. The information provided shall:

(1) Identify and describe the development to be covered by the permit or approval.

(2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan or construction documents as specified in Section 4.07.05.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant or the applicant's authorized agent.

(7) Give such other data and information as required by the Floodplain Administrator.

(E) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ~~article~~ section shall not be construed to be a permit for, or approval of, any violation of this ~~article~~ section, the Florida Building Codes, or any other ordinance adopted by the city commission. 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.

(F) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of not more than one hundred eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.

(G) *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ~~article~~ section or any other ordinance, regulation or requirement adopted by the city commission.

(H) *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

(1) The St. Johns River Water Management District; F.S. § 373.036.

(2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 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; F.S. § 161.141.

(4) Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.

(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. 4.07.05. Site plans and construction documents.

(A) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ~~article~~ section shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

(3) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(4) 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; evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose; and documentation that compensatory storage is provided if required by Section 4.07.12(D)(3).

(5) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.

(6) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the state 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 ~~article~~ section but that are not required to be prepared by a registered design 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 ~~article~~ section.

(B) *Additional analyses and certifications.* For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (zone V), the applicant shall provide an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage signed and sealed by a state licensed engineer for submission with the site plan and construction documents.

(C) *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 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 state licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 4.07.06. Inspections.

(A) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.

(B) *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this ~~article~~ section and the conditions of issued floodplain development permits or approvals.

(C) *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 ~~article~~ section and the conditions of issued floodplain development permits or approvals.

(D) *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

the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a state licensed professional surveyor.

(E) *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 Section 4.07.06(D).

(F) *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 ~~article~~ section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the bottom of the frame and lowest floor shall be submitted to the floodplain administrator.

Sec. 4.07.07. Variances and appeals.

Requests for variances from the strict application of this section and the strict application of the flood resistant construction requirements of the Florida Building Code are subject to the requirements of Section 8.04.16(b). Appeals of decisions or determinations made by the floodplain administrator are subject to Section 8.04.17(b).

~~(A) *General.* The city commission, after review and recommendation from the planning and architectural review board as established by the city, shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), 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. This section does not apply to Section 3109 of the Florida Building Code, Building.~~

~~(B) *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 article. Any person aggrieved by the decision of the city commission may appeal such decision to the circuit court, as provided by state statutes.~~

~~(C) *Limitations on authority to grant variances.* The city commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection (F), the conditions of issuance set forth in subsection (G), and the comments and recommendations of the floodplain administrator and the building official. The city commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.~~

~~(D) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, 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 Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, 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, and rehabilitation shall be subject to the requirements of the Florida Building Code.~~

~~(E) *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 article, 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.

(F) *Considerations for issuance of variances.* In reviewing requests for variances, the city commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, 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 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;

(6) The compatibility of the proposed development with existing and anticipated development;

(7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

(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; and

(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.

(G) *Conditions for issuance of variances.* Variances shall be issued 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 article or the required elevation standards;

(2) Determination by the city commission that:

(a) Failure to grant the variance would result in exceptional hardship 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;

(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 local laws and ordinances; and

(c) The variance is the minimum necessary, considering the flood hazard, to afford relief;

~~(3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner 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 (up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.~~

Sec. 4.07.08. Violations.

(A) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this ~~article~~ section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ~~article~~ section, shall be deemed a violation of this ~~article~~ 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 ~~article~~ section or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(B) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this ~~article~~ 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.

(C) *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 upon conviction thereof, be fined not more than five hundred dollars ($500.00) or imprisoned for not more than sixty (60) days, of both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 4.07.09. Definitions.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ~~article~~ section, have the meanings shown in this section. Where terms are not defined in this ~~article~~ section and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code. Where terms are not defined in this ~~article~~ section or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

Alteration of a watercourse. 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. A request for a review of the floodplain administrator's interpretation of any provision of this ~~article~~ section ~~or a request for a variance~~.

ASCE 24. 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. A flood having a one (1) percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation. 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 flood insurance rate map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Coastal A zone. Flood hazard areas that have been delineated as subject to wave heights between one and one-half (1½) feet and three (3) feet. Such areas are seaward of the limit of moderate wave action shown on the flood insurance rate map.

Coastal construction control line. The line established by the state pursuant to F.S. § 161.053, 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. 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. ~~[Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]~~

Compensatory storage. Excavation within or directly contiguous to a flood hazard area, above the normal high groundwater table elevation and below the base flood elevation, of a volume equivalent to the volume of proposed fill (one (1) to one (1) ratio), provided to balance the effects of proposed fill on the flood hazard area (no net loss of floodplain storage volume).

Design flood. The flood associated with the greater of the following two (2) areas: [Also defined in FBC, B, Section 1612.2.]

(1) Area with a floodplain subject to a one (1) percent or greater chance of flooding in any year; or

(2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community'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. [Also defined in FBC, B, Section 1612.2.]

Development. 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. 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. Any buildings and structures for which the "start of construction" commenced before January 10, 1985. [Also defined in FBC, B, Section 1612.2.]

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading of the pouring of concrete pads) is completed before January 10, 1985.~~

~~*Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

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

Flood or *flooding.* A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

(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. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two (2) areas: [Also defined in FBC, B, Section 1612.2.]

(1) The area within a floodplain subject to a one (1) percent or greater chance of flooding in any year.

(2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood insurance study (FIS). The official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this ~~article~~ section (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, 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 ~~article~~ section.

Florida Building Code. 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 use. A 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. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter ~~11~~ 12 Historic Buildings.

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

(1) *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 flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(2) *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.

(3) *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 the community's floodplain management regulations.

(4) *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 NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; 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 eight thousand five hundred (8,500) pounds gross vehicular weight rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (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 twelve (12) persons; or

(3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. 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 provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one (1) 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.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Market value. ~~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~~ section, 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,~~ is the actual cash value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.

New construction. For the purposes of administration of this ~~article~~ section and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after January 10, 1985, and includes any subsequent improvements to such structures.

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 10, 1985.~~

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01]

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

(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.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a one (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. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance of permits for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent

~~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. [Also defined in FBC, B Section 1612.2.]

Substantial damage. 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 equal or exceed fifty (50) percent of the market value of the building or structure before the damage occurred.

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (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 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.

Variance. A grant of relief from the requirements of this ~~article~~ 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 ~~ordinance~~ section or the Florida Building Code.

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

Sec. 4.07.10. Buildings and structures.

(A) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to Section 4.07.04(C), 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 Section 4.07.16.

(B) *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 and Section 1612 or Florida Building Code, Residential Section R322.

(2) Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this ~~article~~ section and ASCE 24.

(C) *Florida Building Code technical amendments.*

Technical amendments to the Florida Building Code that address design requirements for buildings in flood hazard areas are adopted in Section 5.00.10.

Sec. 4.07.11. Subdivisions.

(A) *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; and

(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.

(B) *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, flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

(2) Compliance with the site improvement and utilities requirements of Section 4.07.12.

Sec. 4.07.12. Site improvement, utilities and limitations.

(A) *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) 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

(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.

(B) *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.

(C) *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.

(D) *Limitations on placement of fill.* Subject to the limitations of this ~~article~~ section:

(1) 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.

(2) If intended to support buildings and structures (zone A only), fill shall comply with the requirements of the Florida Building Code.

(3) In special flood hazard areas (other than coastal high hazard areas and coastal A zones) and in the Mirror Lake Overlay District, if the placement of fill is proposed, compensatory storage shall be provided at a one (1) to one (1) ratio to minimize increases in flood levels. Activities exempt from this requirement include: seawalls, accessory structures, shoreline hardening, pool/patio construction, sidewalks and driveways, filled stemwall foundations, restoration earthwork due to erosion and scour, and other minor activities not exceeding a volume of fifty (50) cubic yards.

(4) In coastal high hazard areas (zone V) and coastal A zones, non-compacted fill may be used around buildings for landscaping, drainage and aesthetic purposes provided the fill will wash out during storm surge to minimize obstruction to the passage of waves and to minimize ramping effects or wave deflection. Applications for placement of non-compacted fill shall include an analysis by an engineer, architect, or soil scientist demonstrating that the following have been considered:

(a) Particle composition of the fill does not have a tendency for excessive natural compaction;

(b) Volume and distribution of fill will not cause wave deflection to adjacent properties; and

(c) The slope of fill will not cause wave run-up or ramping.

(E) *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 state department of environmental protection and only if the engineering analysis required by Section 4.07.05(B)~~(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 Section 4.07.16(E)(3).

Sec. 4.07.13. Manufactured homes.

(A) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ~~article~~ section. New manufactured homes and replacement manufactured homes shall not be installed in coastal high hazard areas except in an existing manufactured home parks or subdivisions. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

(B) *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 and coastal A zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ~~article~~ section.

(2) In coastal high hazard areas (zone V) and coastal A zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ~~article~~ section.

(C) *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.

(D) *Elevation.* All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the base flood elevation plus two (2) feet. ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection (E) or (F), as applicable.~~

~~(E) *General elevation requirement.* Unless subject to the requirements of subsection (F), all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, 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).~~

~~(F) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection (E), including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

~~(1) Bottom of the frame of the manufactured home 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); or~~

~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

(E) ~~(G)~~ *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

(F) ~~(H)~~ *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.

Sec. 4.07.14. Recreational vehicles and park trailers.

(A) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

(1) Be on the site for fewer than one hundred eighty (180) consecutive days; or

(2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(B) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection (A) for temporary placement shall meet the requirements of Section 4.07.13 for manufactured homes.

Sec. 4.07.15. Tanks.

(A) *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.

(B) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection (C) 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).

(C) *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.

(D) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

(1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 4.07.16. Other development.

(A) *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 ~~article~~ section or the Florida Building Code, shall:

(1) Be located and constructed to minimize flood damage;

(2) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(3) Be constructed of flood damage-resistant materials; and

(4) Have mechanical, plumbing, and electrical systems above the design flood elevation, 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 building code for wet locations.

(B) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (zone V) and coastal A zones.* In coastal high hazard areas and coastal A zones, 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.

(C) *Decks and patios in coastal high hazard areas (zone V) and coastal A zones.* In addition to the requirements of the Florida Building Code, in coastal high hazard areas and coastal A zones 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 runup 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 runup and wave reflection.

(D) *Other development in coastal high hazard areas (zone V) and coastal A zones.* In coastal high hazard areas and coastal A zones, 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 runup 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.

(E) *Nonstructural fill in coastal high hazard areas (zone V) and coastal A zones.* In coastal high hazard areas and coastal A zones:

(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 (1) unit vertical to five (5) units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

(3) Where authorized by the state 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 runup 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.

ARTICLE V. DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

Sec. 5.00.00. General.

* * *

Sec. 5.00.09. Reserved. ~~Administrative amendments to the Florida Building Code, Building.~~

~~107.6.1 *Building permits issued on the basis of an affidavit.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Section 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code.*~~

~~117 VARIANCES IN FLOOD HAZARD AREAS~~

~~117.1 *Flood hazard areas.* Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building.*~~

Sec. 5.00.10 Technical amendments to the Florida Building Code, Building.

(1) Minimum building elevations in flood hazard areas:

(a) The minimum elevation for buildings in flood hazard areas that are within the scope of the Florida Building Code, Building, shall be, as specified in ASCE 24, the base flood elevation plus two (2) feet, or the design flood elevation, whichever is higher.

(b) The minimum elevation for one- and two-family dwellings and townhouses in flood hazard areas that are within the scope of the Florida Building Code, Residential, shall be the base flood elevation plus two (2) feet or the design flood elevation, whichever is higher.

(2) Enclosures below elevated buildings in coastal high hazard areas and Coastal A Zones. In coastal high hazard areas and Coastal A Zones, enclosed areas below the elevation required in the building code shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators and the access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

(3) Construction documents for dwellings in flood hazard areas. Construction documents for dwellings in flood hazard areas shall include documentation that is prepared and sealed by a registered design professional that the foundation design accounts for flood loads.

~~*The previously adopted definitions of "Substantial Damage" and "Substantial Improvement" provided in Sec. 202, Florida Building Code, Building, are hereby amended as follows:*~~

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

~~*Substantial Improvement.* 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 that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 117.~~

~~*Section 1612 of the Florida Building Code, Building, is hereby amended by the following:*~~

~~1612.4.1 *Additional requirements for enclosed areas.* In addition to the requirements of ASCE 24, in coastal high hazard areas (Zone V) enclosed areas below the design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators and the access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).~~

~~1612.4.2 *Elevation requirements.* The minimum elevation requirements applicable in coastal high hazard areas and Coastal A Zones shall be as specified ASCE 24 or the base flood elevation plus 2 feet (610 mm), whichever is higher.~~

Sec. 5.00.11. Reserved. ~~Technical amendments to the Florida Building Code, Existing Building.~~

~~*The previously adopted definitions of "Substantial Damage" and "Substantial Improvement" provided in Sec. 202, Florida Building Code, Existing Building, are hereby amended as follows:*~~

~~*Substantial Damage.* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.~~

~~*Substantial Improvement.* 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 that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 117.~~

Sec. 5.00.12. Reserved. ~~Technical amendments to the Florida Building Code, Residential.~~

~~R322.2 *Flood hazard areas (including A Zones).* All areas that have been determined to be prone to flooding but not subject to high-velocity wave action shall be designated as flood hazard areas. Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet or otherwise designated by the jurisdiction shall be designated as Coastal A Zones and are subject to the requirements in Section R322.3. All buildings and structures constructed in whole or in part in flood hazard areas shall be designed and constructed in accordance with Sections R322.2.1 through R322.2.3.~~

~~R322.2.1 *Elevation requirements.*~~

~~1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation.~~

~~2. Reserved.~~

~~3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM, or at least 3 feet if a depth number is not specified.~~

~~4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation.~~

~~Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.~~

~~R322.2.3 *Foundation design and construction.* Foundations for all buildings and structures erected in flood hazard areas shall meet the requirements of Chapter 4 and the construction documents shall include documentation that is prepared and sealed by a registered design professional that the foundation design accounts for flood loads.~~

~~R322.3 *Coastal high-hazard areas (including V Zones and Coastal A Zones, where designated).* Areas that have been determined to be subject to wave heights in excess of 3 feet (914 mm) or subject to high-velocity wave action or wave-induced erosion shall be designated as coastal high-hazard areas. Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet or otherwise designated by the jurisdiction shall be designated as Coastal A Zones. All buildings and structures constructed in whole or in part in coastal high-hazard areas and in Coastal A Zones, where designated, shall be designed and constructed in accordance with Sections R322.3.1 through R322.3.6.~~

~~R322.3.2 *Elevation requirements.*~~

1. ~~All buildings and structures erected within coastal high-hazard areas and Coastal A Zones 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 caps, columns, grade beams and bracing, is:~~

    1.1 ~~Located at or above the base flood elevation plus 2 feet or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach, or~~

    1.2 ~~Located at the base flood elevation plus 3 feet or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.~~

2. ~~Basement floors that are below grade on all sides are prohibited.~~

3. ~~The use of fill for structural support is prohibited.~~

4. ~~Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.~~

~~*Exception:* Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.~~

~~R322.3.3 *Foundations.* All buildings and structures erected in coastal high-hazard areas and Coastal A Zones, shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.4. Piling shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water loading values used shall be those associated with the design flood. Wind loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.6. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24. Slabs, pools, pool decks and walkways shall be located and constructed to be structurally independent of buildings and structures and their foundations to prevent transfer of flood loads to the buildings and structures during conditions of flooding, scour or erosion from wave-velocity flow conditions, unless the buildings and structures and their foundation are designed to resist the additional flood load.~~

~~*Exception:* In Coastal A Zones, stem wall foundations supporting a floor system above and backfilled with soil or gravel to the underside of the floor system shall be permitted provided the foundations are designed to account for wave action, debris impact, erosion, and local scour. Where soils are susceptible to erosion and local scour, stem wall foundations shall have deep footings to account for the loss of soil.~~

~~R322.3.4 *Walls below design flood elevation.* Walls are not permitted below the elevated floor unless permitted in Section R322.3.4. Areas below the elevated floor are permitted to be surrounded with insect screening, open lattice, or decorative screening for aesthetic purposes, provided such materials are designed to break away under flood loads. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through materials designed to break away under flood loads.~~

~~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. Elevators are permitted below the design flood elevation provided flood loads acting on elevator shafts are accounted for in the foundation design.~~

* * *

ARTICLE VI. SUBDIVISIONS

Sec. 6.00.00. General.

* * *

Sec. 6.00.05. Reserved. ~~Minimum elevation.~~

~~The minimum average elevation of any building site in any subdivision in the city shall be in accordance with the requirements of Sections 05.00 Flood Damage Prevention through Section 06.05, Standards for areas of shallow flooding. The owner is hereby required to see that this minimum elevation is attained before any construction is commenced.~~

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ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

Sec. 8.00.00. General procedure.

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Sec. 8.04.16. Variances

(a) *General.* The planning and architectural review board shall recommend such variance from the terms of this ordinance as will not be contrary to the public interest and where, owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary and undue hardships. In order to recommend any variance from the terms of this ordinance the planning and architectural review board must and shall find each of the following criteria are met by the applicant, and the board's written findings shall be sent to the Commission:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
2. That the special conditions and circumstances do not result from the action of the applicant;
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district;
4. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant;
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
6. That the grant of the variance will be in harmony with the general intent and purpose of this ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

In recommending any variance, the planning and architectural review board may recommend appropriate conditions and safeguards in conformity with this ordinance. If adopted by the Commission, any violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this ordinance. The planning and architectural review board may recommend a reasonable time limit within which the action

for which the variance is required shall be begun or completed or both. Under no circumstances except as permitted above shall the planning and architectural review board recommend a variance to permit use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the granting of a variance. The City Commission shall apply the criteria set forth herein in making its quasi-judicial decision to grant or deny a variance and shall consider the recommendation made by the planning and architectural review board.

(b) *Flood hazard areas*

(1) The city commission, after review and recommendation from the planning and architectural review board as established by the city, shall hear and decide on requests for variances from the strict application of Article 4.07.00. Pursuant to F.S. § 553.73(5), the city commission shall hear and decide on requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

(2) The city commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in paragraph (5), the conditions of issuance set forth in paragraph (6) of this section, and the comments and recommendations of the floodplain administrator and the building official. The city commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

(3) A variance is authorized to be issued for the repair, improvement, 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 Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, 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, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(4) 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 article, 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.

(5) In reviewing requests for variances, the city commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, and the following considerations:

(a) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

(d) The importance of the services provided by the proposed development to the community;

(e) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

(f) The compatibility of the proposed development with existing and anticipated development;

(g) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

(h) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

(i) 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; and

(j 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.

(6) Variances shall be issued only upon the following conditions:

(a) 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 article or the required elevation standards;

(b) Determination by the city commission that:

(i) Failure to grant the variance would result in exceptional hardship 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;

(ii) 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 local laws and ordinances; and

(iii) The variance is the minimum necessary, considering the flood hazard, to afford relief;

(c) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

(d) 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 (up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 8.04.17. Appeals.

(a) *General.* Any adverse decision made by the planning and architectural review board may be appealed by any person aggrieved or by any officer, board or commission of the City of Flagler Beach affected by such decision to the Flagler Beach City Commission.

1. Staying of work on premises: An appeal to the city commission stays all work on the premises and all proceedings in furtherance of the action appealed for, unless the official from whom the appeal was taken shall certify to the city commission, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order which may be granted to the city commission by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

2. Procedure: Any person appealing any decision of an administrative official shall make such appeal within thirty (30) days after rendition of the order, requirement, decision or determination appealed from in writing to the city commission and file the same, and ten (10) copies thereof, with supporting facts and data with the city clerk. This does not, however, restrict the filing of a request for a special exception or variance by any person at any time as provided for elsewhere in this article.

Upon receipt of said appeal, the building official shall forthwith examine such appeal or request application and endorse his or her recommendation thereon together with all documents, plans, papers or other materials constituting the record upon which the action appealed was taken and transmit same to the city commission. At the hearing, any party may appear in person, or by agent or by attorney.

(b) *Flood hazard areas.* 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 Article 4.07.00. Any person aggrieved by the decision of the city commission may appeal such decision to the circuit court, as provided by state statutes.

ARTICLE IX. ENGINEERING DESIGN AND DEVELOPMENT

Sec. 9.01.00. General provisions.

Sec. 9.01.01. Purpose and intent.

The purpose of this section is to set forth engineering design regulations for residential and nonresidential uses as required in this Land Development Code. This section sets forth uniform regulations, requirements, and procedures to protect the health, safety, and welfare of the citizens and to assure quality of life to the citizens of the city. The floodplains manager may adopt technical manuals that relate to technical requirements pertaining to the city's water, wastewater, reclaimed water, drainage, street, and other systems.

Sec. 9.01.02. Applicability.

The design and construction requirements shall apply to:

(a) Nonresidential and residential subdivision projects (applies to subdivisions with private or public roadway dedications);

(b) Nonresidential and residential construction projects; and

(c) City and other public agency owned projects.

Sec. 9.01.03. General requirements.

(a) *Utility lines.*

(1) Utility lines for all new development projects shall be installed underground. Switchgear, pumps, transformers, and other appurtenances shall be allowed aboveground, but shall be shielded with landscaping as required in this Land Development Code. Connections from distribution lines, mains, and collectors in the public or utility rights-of-way or easements shall be placed underground.

(2) All redevelopment projects shall relocate existing on-site overhead utility lines underground, within project limits. The floodplains manager may allow exceptions to this requirement if it is determined that such relocation is not feasible based upon the unique configuration of the real property.

(3) For all new private and public development projects, underground communications conduit(s) shall be installed in accordance with city standards.

(b) *Traffic control devices.* All traffic control devices shall meet the more stringent requirements of all of the following: 1) the latest edition of the Manual of Uniform Traffic Control Devices, 2) Florida Department of Transportation Design Standards Road and Bridge Technical Specifications, 3) Florida Highway Administration Standard Highway Signs, and 4) Florida Department of Transportation Traffic Engineering and Operations Manuals.

Sec. 9.01.04. Construction plans submittal requirements.

(a) Construction plans and calculations shall be prepared, signed, and sealed by a Florida Licensed Professional Engineer or other Licensed Professional qualified in the appropriate field for which the construction plans and calculations are prepared. Plans and calculations shall be submitted for review in accordance with the city's development review process.

(b) The city shall establish submittal checklists relating to the required contents of all development review submittals. The checklists shall establish minimum requirements for the contents of construction plan and design document submittals. Additional information may be requested if the city believes the information is reasonably necessary in support of drainage analysis; including maps, charts, tables, graphs, photographs, narrative descriptions, additional calculations, explanations, and citations to support references as deemed appropriate to communicate the required information for reasonable evaluation of the site.

(c) Grading and drainage plans shall include existing and proposed contours at one-foot (min.) intervals with spot elevations as needed for clarity and to adequately depict drainage patterns.

(d) Topographic survey for half of right-of-way adjacent to project for full length of frontage, including existing driveways and right-of-way intersections within one hundred (100) feet of site, showing drainage structures, signage, and utilities.

(e) Section views of all proposed retention/detention ponds, swales, berms, etc. showing twenty-five-year stormwater elevation and top of bank elevation.

(f) Construction details for all proposed manholes, inlets, and other stormwater control structures.

(g) Location, size, length, and elevations of all proposed piping systems and related control structures.

(h) Erosion control plans shall be on a separate sheet with existing and proposed contours.

(i) Legends shown with all abbreviations and symbols identified.

(j) Copies of permits from all regulatory agencies having jurisdiction over the project (prior to commencement of construction).

(k) Phasing of development. The phasing of development is allowed as part of approval of a site plan or a subdivision preliminary plat in accordance with the following standards:

(1) Phasing of approved development shall be in keeping with an approved phasing plat that shows phase boundaries and describes included development and improvements.

(2) Each phase shall be designed and constructed to include all improvements and other aspects of development necessary to meet all requirements of the Code and all other applicable regulations.

Sec. 9.02.00. Platting requirements.

Sec. 9.02.01. Purpose.

The purpose of this section is to establish requirements for the subdivision of land in the city and to ensure compliance with F.S. Ch. 177.

Sec. 9.02.02. Subdivision design standards.

In addition to the requirements stated in other sections of this Code, subdivisions shall be designed according to the following:

(a) *Lots.* All lots shall conform to the dimensional, yard, and building setback requirements of the applicable zoning district development standards. In addition, the following requirements shall apply:

(1) *Width.* All lots shall have a minimum street frontage of twenty (20) feet, and those fronting on a curve shall meet the minimum lot width measured at the front setback line.

(2) *Depth.*

a. Lots along arterial streets shall be deep enough to accommodate the two required front yard setbacks.

b. Flag lots are prohibited unless approved as part of a Master Planned Development.

(3) *Orientation.* Residential lots shall be designed so vehicular ingress and egress to/from those individual lots is not provided from abutting limited access roadways or arterials.

(b) *Permanent reference markers.* A registered land surveyor shall install permanent reference monuments, permanent control points, and state plane coordinates in accordance with state laws and professional standards. These must be inspected by the second party surveyor to certify they have been set in the field prior to final plat approval or recording of the mylar.

Sec. 9.02.03. Easements.

(a) *Drainage easements.*

(1) Drainage easements of a width required for conveying and maintaining an adequate storm drainage system shall be provided. Minimum width for piped systems shall be fifteen (15) feet plus the pipe diameter, and fifteen (15) feet for open channels plus channel width, measured from top of bank to top of bank. Where deemed necessary by the floodplains manager, additional easements and increased width may be required along waterways, natural watercourses, canals, and drainage ways.

(2) Whenever a subdivision lies wholly or partly in any area for which the city has adopted a drainage plan, and is traversed by a natural or designed watercourse for which such plan requires a drainage easement or right-of-way, such easement or right-of-way shall be set forth on the preliminary and final plat and shall be dedicated to the city for public use.

(b) *[Stormwater storage facilities.]* Stormwater storage facilities shall be constructed to provide adequate access for maintenance. An access and maintenance easement of ten feet around the perimeter of wet ponds and five feet around the perimeter of dry ponds, measured from top of bank, shall be provided for detention facilities. Maximum grade for maintenance easement shall be ten percent.

(c) [*Stormwater management systems.*] Stormwater management systems must be designed to accommodate maintenance equipment access and to facilitate regular operational maintenance (such as underdrain replacement, unclogging filters, sediment removal, mowing, and vegetation control).

(d) *Utility easements.* Utility easements for both underground and aboveground facilities shall be provided where required by the city manager or designee. Such easements shall have a minimum width of ten feet and shall normally be laid out on property lines. In all cases, such easements shall be dedicated to the perpetual use of the public. Where lots abut along a common property line, the easement may be centered along said common property line.

(e) *Pedestrian paths and sidewalk easements.* Pedestrian easements or walkways shall be provided through the interior of lots where such easements are required by the city manager or designee. Pedestrian easements shall be at least eight (8) feet wide, or walkway width plus two feet, whichever is greater, and shall be laid out along the side or rear property lines. In all cases, such easements shall be dedicated to the perpetual use of the public.

(f) *Private easements.* Private easements (or spite strips) between the road and the subdivision boundary or between subdivision boundaries shall not be permitted unless conditions are established under which the adjacent parcel can be connected to the road or adjacent property.

(g) *Easements and right-of-way maintenance.* The city will maintain only those easements, rights-of-way, and public sites which it accepts for maintenance.

(h) *Vacation of easements.* An easement may be vacated by a replat of the plat in which the easement was dedicated, or via a resolution of the city commission, based on the best interests of the public. The only easements eligible for vacation by resolution are easements which have been previously dedicated and accepted, such as with the approval of a plat. The applicant must submit recommendation letters from utility companies; and a survey and legal description of the area to be vacated; and must show that the easement should be vacated due to utility reroute, non-use of the easement, or that the easement is no longer needed for public purposes. The city can vacate only "public" easements located within the city which are dedicated to the city or to the public. Upon receipt of a vacation request, the city clerk will publish a notice of public hearing, and shall notify property owners within the block where the easement is located of the public hearing by certified mail, return receipt

requested. In addition, the applicant must post the notice at each end of the easement to be vacated, not less than thirty (30) days prior to the public hearing. An affidavit of proof of posting must be submitted to the city clerk not less than seven (7) days prior to the hearing.

Sec. 9.02.04. Plat approval.

Prior to the city commission hearing for approval of a plat, the developer must submit all required documents, recording costs and fees, and:

(a) If infrastructure improvements have not been commenced, a surety bond guaranteeing funds to construct all subdivision public improvements must be provided for city commission. After approval, the mylar can be processed for recording; or

(b) If infrastructure improvements have commenced and are continuing in good faith, the final plat can go to city commission without a bond but the mylar will not be processed for recording until all infrastructure is complete, based on city approval of all final inspections in the site development permit, and the submittal of a maintenance bond.

Sec. 9.02.05. Performance surety for subdivisions and site plan construction projects.

At such time as the city agrees to accept the dedication of any public improvements, a performance guarantee in accordance with the standards in this section shall be required. To ensure completion of public infrastructure improvements that are required as part of an approved site plan or final plat (E.g., streets, sidewalks, stormwater management facilities, potable water facilities, wastewater facilities, and streetlights), the developer shall execute performance and maintenance sureties that guarantee the required improvements against all defects in workmanship and materials, including failure to construct or to continue to construct in accordance with approved plans and specifications.

(a) *Performance surety.*

(1) *Plat and site plan performance surety amount.* A plat or site plan surety must be in the form of a cash bond, performance bond, or letter of credit. The cost estimate amount of the surety shall be based on 120 percent of the sum of the following costs, as certified under seal by the project engineer of record:

a. Required subdivision public infrastructure improvements costs.
b. Costs of all required improvements relating to public road right-of-way.
c. Costs of all required off-site public infrastructure improvements.

The amount of surety is subject to approval by the floodplains manager.

(2) *Performance surety release.* Upon completion of all performance surety guaranteed improvements, applicable inspections, and acceptance by the city, performance sureties shall be released by the floodplains manager.

(b) *Maintenance surety.*

(1) *Plats and site plans with public improvements maintenance surety.* A maintenance surety for public improvements shall be submitted upon release of the performance surety. The maintenance surety provides a guarantee that the required improvements were completed without defects in workmanship and materials. The term of this guarantee shall be one year from the date of acceptance, unless the floodplains manager specifies a longer time frame.

(2) *Maintenance surety amount.* The amount of the maintenance surety shall be based on twenty (20) percent of the entire actual/present day costs of construction,

including the costs of materials and labor for installing the required public infrastructure improvements. Actual costs for installing required public infrastructure improvements shall be itemized by improvement type as certified under seal by the project engineer of record, and subject to approval by the floodplains manager.

(3) *Maintenance surety release.* The maintenance surety may be released no earlier than one year from the date of acceptance of the required improvements by the floodplains manager. This action must be initiated, in writing, by the developer.

Sec. 9.02.06. Compliance with design requirements.

All land development improvements shall comply with all the requirements of this Land Development Code, including those which contain design and construction information for the following:

(a) Horizontal and vertical dimensional design requirements.

(b) Roadway, parking, and vehicle access ways.

(c) Pedestrian pathways, sidewalks, and recreational trails.

(d) Storm drainage, potable water, reclaimed water, and sanitary sewer infrastructure improvements.

(e) Clearing, earthwork, and grading.

Sec. 9.03.00. Construction and inspection requirements.

Sec. 9.03.01. Purpose.

(a) The purpose of this section is to establish requirements for the inspection of the construction of all site development improvements on both residential and non-residential projects. The construction inspection procedures set forth in this chapter and in the City Technical Standards Manual ensure conformity of construction with approved development orders, this Land Development Code, and any conditions of approval.

(b) Separate construction inspection requirements for water and sewer improvements are established in part II of this chapter. Inspections shall be performed as required by the floodplains manager.

Sec. 9.03.02. Commencement of construction.

Commencement of construction or disturbance of land of any type is prohibited unless:

(a) A final development order is issued in conjunction with a site development permit or applicable building permits;

(b) All requisite federal, state, county, and city site work permits for the project are obtained. Certification by the engineer of record, along with copies of all required permits, may be required by the floodplains manager.

(c) A preconstruction meeting for the project is scheduled and held with the city, unless deemed unnecessary by the floodplains manager.

Sec. 9.03.03. Types of inspections.

(a) The following construction inspections shall be held during the course of the construction of the project infrastructure:

(1) Scheduled mandatory key checkpoint inspections.

(2) Scheduled or requested minor inspections and field conferences.

(3) Unscheduled site visits and inspections.

(4) Stormwater Pollution Prevention Plan (SWPPP) Inspections.

(5) All other inspections required by the governing contract for a specific project.

(6) Scheduled final inspection for punch list work.

(7) Scheduled re-inspection of punch list work.

(8) Scheduled final inspection walkthrough, as required prior to the developer submitting a request for the following:

a. Release of surety and acceptance by city of a maintenance bond.

b. Acknowledgement of completion of required subdivision improvements to allow final plat recordation.

c. Acceptance of roadways dedicated to the city.

Sec. 9.03.04. Privately owned bridges.

Privately owned bridges shall meet the design, construction, inspection, maintenance, and reporting criteria in accordance with the Florida Department of Transportation and federal standards.

Sec. 9.04.00. Stormwater management requirements.

Sec. 9.04.01. Purpose and intent.

The purpose of this section is to manage stormwater drainage within the City of Flagler Beach in order to maintain and enhance the public health, safety, and welfare through the control of runoff volume and treatment of stormwater runoff for the protection of surface water and groundwater quality, and the control and prevention of erosion, sedimentation, and flooding by providing standards for the design, construction, and operation of stormwater management systems in conformance with best overall management practices. This section is intended to enforce the goals, objectives, and policies of the comprehensive plan, and to be consistent with the applicable policies and regulations of regional, state and federal agencies regarding stormwater management.

The City of Flagler Beach will always consider reasonable alternatives to the design parameters specified in this chapter and as implemented by the city engineering office so long as it utilizes good engineering judgement, best practices, and is put forth by a licensed professional engineer licensed in the State of Florida.

Sec. 9.04.02. Stormwater design criteria.

The design concepts of a drainage system shall be consistent with sound engineering principles and practices and shall be consistent with applicable rules, regulations and policies of the St. Johns River Water Management District (SJRWMD) and the Florida Department of Environmental Protection (FDEP). In all instances, the drainage design calculations shall be submitted along with the engineering plans, preferably overlain on the Site Survey submitted at the permit application step. These drainage calculations shall consider all relevant information that would affect the stormwater management system including, but not limited to, the following: drainage basin characteristics, system hydraulics, operating conditions and other external

influences upstream and downstream from the stormwater system that may impact or be impacted by the proposed system.

The design and construction of detention facilities shall be in accordance with the criteria set forth herein. Detention is the concept of capturing stormwater and/or to slow the intensity of runoff so as to mitigate flooding. Water should be allowed to percolate into the ground so that all standing water is fully absorbed within a seventy-two-hour period after the rain event. Detention, in combination with appropriate grading, also helps to control runoff water from any one property flowing onto any adjacent property.

Sec. 9.04.03. Detention.

(a) Detention is defined as a constructed or natural structure, either raised or depressed, used to deter or slow down runoff water so that percolation into the ground is enhanced. Detention is required on all lots as is practical especially for single family and duplex residential uses lying within the special flood hazard area (SFHA). Good judgement and standard professional engineering best practices shall be used to determine what is or is not practical.

(b) Within applicable areas, residential single-family and two-family residences are required to detain stormwater over the entire portion of the property area. This includes protected areas such as wetlands, wetland buffer zones, utility easements, city rights-of-way, etc. This may be accomplished by natural or artificial drainage systems including but not limited to, swales, berms, pipes, French drains, other approved structures, or any combination of the above.

(c) Where practical, all development is required to have retention swales constructed within the rights-of-way (R-O-W) along the property lines adjoining paved roadways. These swales shall be 0.75 feet (nine (9) inches) deep with the center line of the swale located approximately seven (7) feet from the edge of pavement (EOP). They shall be finished with a suitable, one hundred (100) percent pervious material.

Sec. 9.04.04. Fill.

(a) Proposed fill shall be limited to the minimum amount of fill necessary to provide positive drainage flow and to abide by any applicable floodplain protection or building code regulations. Positive drainage shall be established on the grading plan. The city shall consider a thirty-three (33) percent maximum grade (1:3) or elevation of six (6) inches above side lot or front swale as the standards for positive drainage unless the existing grades dictate otherwise. At no point shall a lot or parcel be filled higher than the final average grade of any adjacent developed properties if original natural grade was not already higher that the adjacent developed properties. No fill shall be permitted on right-of-way areas except as required for driveway and culvert installation. Fill shall be defined as imported soil or material used to raise the grade of existing lands, excluding sod, gravel and other permeable materials used as ground cover.

(b) *AE SFHA flood zone.*

(1) Fill is limited to the compacted amount needed inside the perimeter of a stem wall foundation in order to achieve a solid subsurface to pour a concrete slab to the elevation <u>required by the Florida Building Code as modified by the City</u> ~~of the approved FFE~~.

(2) Additional fill is permissible to bring driveways and/or sidewalks to the approved elevations proposed on the site plan.

(3) Any additional fill is then limited to 50 cubic yards outside the building, driveway and sidewalk footprints, generally, not to exceed six (6) inches in overall grade change and with slopes constructed no greater than 3:1 slopes to meet adjacent property grades.

(4) Detention is required to keep runoff due to the development contained on the property.

(c) *X flood zone.*

(1) Fill is limited to the compacted amount needed inside the perimeter of a stem wall foundation in order to achieve a solid subsurface to pour a concrete slab to the elevation of the approved FFE.

(2) Fill is permitted, not necessarily limited to fifty (50) cubic yards, outside the building footprint, under the driveway(s), walkways, and other flatwork, sufficient to provide proper drainage away from structures and into onsite detention areas and R-O-W swales.

(3) Final grades generally shall not exceed six (6) inches in overall elevation change and constructed at no greater than 3:1 slopes to meet adjacent property grades.

Sec. 9.04.05. Illicit discharge, detection and elimination.

(a) *[Purpose.]* The purpose of this section is to provide for the health, safety, and general welfare of the citizens of Flagler Beach through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This section establishes minimum standards and methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

(b) *Prohibition of illegal discharges.* No commercial business, resident or any other person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:

(1) Discharges specified in writing by the city as being necessary to protect public health and safety.

(2) Dye testing is an allowable discharge, but requires a written notification to the city forty-eight (48) hours prior to the time of the test.

(3) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(c) *Prohibition of illicit connections.* This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) A commercial business, resident or any other person is considered to be in violation of this section if the entity connects a line conveying sewage to the MS4, or allows such a connection to continue.

(3) A commercial business, resident or any other person commits an offense if that person reinstates MS4 access to premises terminated pursuant to this section without the prior approval by the city.

(d) *Suspension of access to a municipal storm sewer system.* The city may suspend access to the municipal storm sewer system if either one of the following situations occurs:

(1) *Suspension due to illicit discharges in emergency situations.* The city, without prior notice, may suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the city may enter the property and take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons. The person/violator shall be responsible to reimburse the city of their agent for all costs incurred from the corrective action.

(2) *Suspension due to the detection of illicit discharge.* Any commercial business, resident or any other person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge.

(e) *Industrial or construction activity discharges.* Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Flagler Beach prior to the allowing of discharges to the MS4.

(f) *Monitoring of discharges.* The following regulations apply to all facilities that have stormwater discharges associated with industrial activity, including construction activity:

(1) The city shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section. If a discharger has security measure in force which requires proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the city.

(2) Facility operators shall allow the city access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The city has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(4) The city shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the city to conduct monitoring and/or sampling of the facility's stormwater discharge.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the city access to a permitted facility is a violation of a stormwater discharge permit and of this section. An operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the operator denies the city reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.

(7) If the city has been refused access to any part of the premises from which stormwater is discharged, and the city is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

(g) *Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices (BMP's).* The City of Flagler Beach has adopted requirements identifying BMP's for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of these structural and non-structural BMP's. Further, any person responsible for a property or premise, which is, or may be the source of an illicit discharge, may be required to implement, at said person' expense, additional structural and non-structural BMP's to prevent the further discharge of pollutants into the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMP's shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

(h) *Watercourse protection.* Persons owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly reduce the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(i) *Notification of spills.* Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the Florida, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the city in person or by phone or facsimile no later than the next business day. Notifications in person or by phone all be confirmed by written notice addressed and mailed to the city within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent is recurrence. Such records shall be retained for at least five years.

(j) *Enforcement.* Whenever the city finds that an owner/operator has violated a prohibition or failed to meet a requirement of this section, the city may order compliance by written notice of violation to the responsible owner/operator. Such notice may require without limitation:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of illicit connections or discharges;

(3) That violating discharges, practices, or operations shall cease and desist;

(4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;

(5) Payment of a fine to cover administrative and remediation costs; and

(6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the city or the city's designee and the expense thereof shall be charged to the violator.

(k) *Appeal of notice of violation.* Any person receiving a Notice of Violation may appeal the determination of the city. Any person aggrieved by such notice of violation shall file an appeal application in accordance with the regulations stated in the Land Development Code.

(l) *Enforcement measures after appeal.* In the event of an appeal where the notice of violation has been upheld, the affected person has thirty (30) calendar days from the date the notice of violation was upheld to correct the violation as stated under the terms of the notice of violation. Failure to correct the violation as stated under the terms of the notice of violation within the previously state thirty (30) calendar days shall cause the city or representatives of the city to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or representatives of the city to enter upon the premises for the purposes set forth above.

(m) *Cost of abatement of the violation.* Within fourteen (14) calendar days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within fourteen (14) calendar days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city.

(n) *Material management.* The purpose of this section is to promote good housekeeping practices that are designed to significantly reduce and control stormwater runoff pollution which runs into storm drains, treatment facilities and local waterways.

(Ord. No. 2023-01, § 2, 5-25-23)

Sec. 9.04.06. Material and waste management.

(a) The purpose of this section is to promote good housekeeping practices that are designed to significantly reduce and control stormwater runoff pollution which runs into storm drains, treatment facilities and local waterways during construction operations.

(b) *Construction sites:*

(1) Never dispose of any waste material into storm drains or sanitary sewers.

(2) Portable waste receptacles must be on the construction site and must be serviced on a regular basis.

(3) Ensure the disposal of scraps, waste, recyclables and surplus materials is in accordance with Federal regulations and local codes.

(4) Paint/solvent storage shall not be within fifty (50) feet of an environmentally sensitive area (ESA) and shall be enclosed in weather/leak proof storage facility. Frequently schedule the safe collection and removal of combustible waste.

(5) Fuel storage tanks shall be located seventy-five (75) feet or more from an ESA or storm drain and shall be in a state-approved leak proof container.

(6) All above ground tanks for fueling shall be secondarily contained.

(7) Construction site driveways can be installed with or without wheel washing stations, but must prevent construction site vehicle wheels from transporting soil and sediment off of construction site and onto roadways.

(8) All hazardous waste material will be disposed of in a manner specified by federal, state, local regulations and manufacturer's specifications.

(9) All on-site vehicles and tanks will be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Petroleum products shall be stored in tightly sealed containers, which are clearly labeled. Storage shall be at least seventy-five (75) feet from an ESA or storm drain.

(10) Any pesticide and herbicide usage shall be applied by a state licensed applicator.

(11) Fertilizers used shall be applied only in the minimum amount recommended by the manufacturer. If stored on-site, covered storage shall be provided. Any contents of any partially used bags of fertilizers shall be transferred to a sealable container.

(c) *Private property or residential property:*

(1) Herbicides shall not be applied within a minimum of twenty-five (25) feet from an ESA or stormwater drains, inlets or infiltration structures that have connection to a waterway.

(2) Pesticides shall not be applied or stored within a minimum of twenty-five (25) feet of an ESA or stormwater drains, inlets or infiltration structures that have connection to a waterway.

(3) Fertilizer shall not be applied or stored within a minimum of twenty-five (25) feet of an ESA or stormwater drains, inlets or infiltration structures that have connection to a waterway.

(4) Fuel and paint storage shall be in a weather and leak proof storage container not less than twenty-five (25) feet from an ESA or stormwater drains, inlets or infiltration structures that have connection to a waterway.

(5) Never pour toxic chemicals down any drain - this includes the drains inside of a house or other building as well as storm drains or gutters that lead to storm drains. Also never pour toxic chemicals on the ground where they can seep into the water table and eventually the aquifer or a stream. Some household chemicals that need to be disposed of properly include but not limited to:

a. Metal polish solvent;

b. Kitchen and bathroom cleaners;

c. Furniture polish;

d. Battery acid or batteries;

e. Automatic transmission fluid;

f. Brake fluid;

g. Car wax with solvent;

h. Paint (oil-based);

i. Paint thinner;

j. Turpentine and varnish;

k. Illicit discharge ordinance.

(d) *Public property:*

(1) Herbicides shall not be applied within a minimum of twenty-five (25) feet from an ESA or stormwater drains, inlets or infiltration structures that have connection to a waterway.

(2) Pesticides shall not be applied or stored within a minimum of twenty-five (25) feet of an ESA or stormwater drains, inlets or infiltration structures that have connection to a waterway.

(3) Fertilizer shall not be applied or stored within a minimum of twenty-five (25) feet of an ESA or stormwater drains, inlets or infiltration structures that have connection to a waterway.

(4) Any pesticide and herbicide usage shall be applied by a state-licensed applicator.

(5) Fuel and paint storage shall be contained in a weather proof and leak proof storage facility not less than twenty-five (25) feet from an ESA or stormwater drains, inlets or infiltration structures that have connection to a waterway.

Sec. 9.04.07. Erosion control.

(a) All technical requirements are covered in Detail M-16B, Contractor Requirements for Site Clearing, Grading, and Erosion Control Design and Construction Notes of the COFB Standard Details, Resolution No. 2018-30.

(b) Erosion control is required for all construction projects and may be achieved by a variety of methods using one or a combination of the following:

(1) *Silt fence.*

a. A silt fence is a temporary sediment control device used on construction sites to prevent the transport of materials off-site and to protect water quality in nearby streams, rivers, and lakes from loose soil in stormwater runoff. A typical fence consists of a piece of synthetic filter fabric (also called a geotextile) stretched between a series of wooden or metal fence stakes along a horizontal contour level. The stakes are installed on the downhill side of the fence, and the bottom edge of the fabric shall be trenched a minimum of four (4) inches into the soil and backfilled on the uphill side. The silt fence is not designed to concentrate or channel

stormwater. The silt fence is installed on a site before soil disturbance begins, and is placed down-slope from the disturbance area.

b. Silt fencing must be installed to prevent silt exfiltration. It shall be placed around the perimeter of any and all disturbed areas of construction.

c. The fence may be dismantled temporarily from time to time to allow for delivery of materials and equipment but must be put back in place and maintained each day until the site is ready for final grading and sodding. Failure to diligently maintain this fence in good condition will result in a warning and followed up by a stop work order until the silt fence is properly re-installed.

d. The height of the silt fence shall be between two (2) feet and three (3) feet above grade. A minimum of four (4) inches shall be either buried below grade or have the bottom flap folded over above grade covered with dirt to hold it in place. An extra strength filter fabric shall be attached to fence posts spaced no wider than ten (10) feet apart and driven at least one (1) foot into the ground. [See COFB Standard Construction Details.]

(2) *Berm.*

a. A berm is a level space, shelf, or raised barrier, typically made of compacted soil, separating two areas. They are used to control erosion and sedimentation by reducing the rate of surface runoff - they typically either reduce the velocity of the water, or direct water to areas that are less susceptible to erosion.

b. A typical berm is one (1) foot - two (2) feet high, a minimum shelf of one (1) foot wide, and has sides sloped at 3:1 (horizontal to vertical) maximum.

(3) *Swale.*

a. A swale is a shallow channel with gently sloping sides. It can be natural or man-made. Artificial swales are often infiltration basins, designed to manage water runoff, filter pollutants, and increase rainwater infiltration.

b. Swales are largely used either for managing water runoff from one property to another or to collect rain runoff water from road surfaces that helps mitigate flooding onto street-front properties.

c. Swales vary in size, width, and depth depending on their function.

d. Typical City of Flagler Beach street roadside swales have been established to be nine (9) inches in depth. [See COFB Standard Construction Details.]

(4) *French drain.*

a. A french drain is a trench filled with gravel or rock that may also contain a perforated pipe that redirects surface water and groundwater away from an area. A French drain can have perforated hollow pipes along the bottom to quickly vent water that seeps down through the upper gravel or rock. They are a good alternative to open ditches.

b. French drains may be very useful to help manage surface water in constricted areas like the narrow five-foot side setbacks on many of the city's properties. [See COFB Standard Construction Details.]

(5) *Hay bales.*

a. A temporary sediment barrier consisting of a row of entrenched and anchored straw bales. Used to intercept and detain small amounts of sediment from disturbed areas of limited extent to prevent sediment from leaving the site. Decreases the intensity of sheet flows and low-to-moderate level channel flows.

b. Bales should be placed in a single- or staggered-row, lengthwise on the contour, with ends of adjacent bales tightly abutting one another.

c. All bales should be either wire-bound or string-tied. Straw bales should be installed so that bindings are oriented around the sides rather than along the tops and bottoms of the bales in order to prevent deterioration of the bindings.

d. The barrier should be entrenched and backfilled. A trench should be excavated the width of a bale and the length of the proposed barrier to a minimum depth of four (4) inches. The trench must be deep enough to remove all grass and other material which might allow underflow. After the bales are staked and chinked (filled by wedging), the excavated soil should be backfilled against the barrier. Backfill soil should conform to the ground level on the downhill side and should be built up to four (4) inches against the uphill side of the barrier. [See COFB Standard Construction Details.]

(c) Where a cleared vacant lot is created through demolition, the owner must screen the property from adjacent streets, alleys, and public improvement areas by landscaping a perimeter buffer of three (3) feet with the exception of intersection visibility standards which are two and one-half (2.5) feet high maximum. All cleared vacant lots shall be covered with sod, grass, or other suitable pervious material approved for the property by the city designee. The ground cover shall be maintained and the property kept free of trash and debris. All improvements shall be completed within sixty (60) days of demolition.

(d) Where a lot or a portion of a lot has been improved by new construction, an addition, or some other activity that clears the lot of existing vegetation, at the end of such construction or improvements, all disturbed land shall be permanently stabilized by adding sod, grass, or other suitable pervious materials as described herein. All other elements of the construction notwithstanding, no certificate of occupancy shall be granted until such time as the above has been accomplished and passes the final site inspection.

(e) Gutters and downspouts.

(1) All roofs and existing gutters and downspouts shall be maintained to prevent damage to the structure and adjoining properties and public rights-of-way.

(2) Gutters and downspouts are recommended for new houses but required for new houses that meet the following criteria:

a. Have sloped roofs with a pitch greater than 3:12 (vertical to horizontal) or fourteen (14) degrees;

b. Has a neighboring house on either side yard where the facing walls are within ten (10) feet of each other;

c. The roof surface of the gable(s) or hip(s) slopes toward the side yard; and,

d. The eave of the roof is greater than one (1) foot.

(3) New houses that are constructed with gutters and downspouts, whether by choice or by virtue of the above conditions, must point all downspout outlets toward the front or rear yards and, at a minimum, discharge onto a splash block or into a side yard swale, subject to any additional requirements of this Code. No configuration of the downspout

outlets shall cause stormwater to be directed toward a neighboring side property where the facing walls are within (10) feet of each other.

(4) It is recommended that all downspout outlets be connected to a perforated corrugated plastic pipe that is:

a. Buried from eight (8) inches to twenty-four (24) inches below the finished grade;

b. Wrapped with a porous filter fabric;

c. Embedded in aggregate - pea gravel to larger pieces of river rock;

d. Positively sloped, minimum two (2) percent, away from the downspout outlet.

Sec. 9.04.08. Prohibitions and exemptions for stormwater management.

(a) *Prohibitions.* No person may develop or make any change in the use of land or construct a structure or change the size of a structure, except as exempted herein, without submission and approval of a stormwater management plan as provided herein. For the purpose of this section, the development may potentially alter or disrupt existing stormwater runoff patterns, and as such, will require the submission and approval of a stormwater management plan prior to the commencement of construction unless exempted in paragraph (b) below. This includes, but is not limited to:

(1) Clearing and/or drainage of land as an adjunct to construction.

(2) Subdividing land.

(3) Re-platting recorded subdivisions and the development of recorded and unrecorded subdivisions.

(4) Changing the use of land and/or the construction of a structure or a change in the size of one or more structures.

(5) Altering the shoreline or bank of any surface water body.

(6) The permanent (long period) lowering of the water table.

(7) Addition of impervious or pre-approved semi-impervious construction.

(8) Direct deposition of stormwater runoff into rights-of-way and/or alleyways.

(b) *Exemptions.* The following activities shall be exempt from this section (Section 8.00 [9.04.08]) unless as hereinafter required by the land development regulations:

(1) Any maintenance, alteration, renewal, use or improvement to an existing structure not changing or affecting the rate or volume of stormwater runoff and not disturbing existing ground surfaces.

(2) Maintenance work performed on existing drainage canals for the purpose of public health and welfare.

(3) Maintenance work on utility or transportation systems, provided such maintenance work does not alter the purpose and intent of the drainage system as constructed.

Sec. 9.04.09. Stormwater management design standards.

Table VIII-01 establishes categories of development and corresponding impervious area thresholds. The review of stormwater management plans for all development projects shall be based upon the net increase in impervious surface area resulting from the development and any cumulative increase due to development that has occurred within the previous two (2) years.

TABLE VIII-01

CATEGORY THRESHOLDS FOR THE VARIOUS LIMITS OF DEVELOPMENTS	
CATEGORY	NET INCREASE OF IMPERVIOUS AREA
Category I	Up to five hundred square feet (<500 sf)
Category II	Between five hundred one square feet and four thousand square feet of surfaces subject to vehicular traffic and/or (501 sf - 4,000 sf) Between five hundred one square feet and five thousand square feet of building or other surfaces (501 sf - 5,000 sf)
Category III	Exceeds four thousand square feet of surfaces subject to vehicular traffic (>4,000 sf) Exceeds five thousand square feet of building or other surfaces (>5,000 sf)

(a) *Standards for category 1.* All categories of development shall require the preparation of a stormwater plan that shows the intended direction of runoff flow. Stormwater management system designs shall conform to the following performance standards:

(1) Stormwater runoff shall be subjected to best management practices prior to discharge into natural or artificial drainage systems. Best management practice shall mean a practice or combination of practices determined by the city to be the most effective, practical means of preventing or reducing the amount of pollution generated by the project to a level compatible with Florida water quality standards found in the St. Johns River Water Management District, the Florida Department of Environmental Protection, and Chapter 17-3, Florida Administrative Code.

(2) Additional detention on lots is not required in developments that have a master stormwater/retention system constructed except to contain runoff from flowing onto adjacent properties.

(3) No site alteration shall cause siltation of wetlands, pollution of downstream wetlands or reduce the natural retention or filtering capabilities of wetlands.

(4) Silt fences or other approved erosion control methods shall be required at the perimeter of all proposed disturbed areas and shall be properly maintained until the final site construction is approved.

(5) No site alteration shall allow water to become a health hazard or contribute to the breeding of mosquitoes.

(6) All site alteration activities shall provide for such water detention and settling structures and flow attenuation devices as may be necessary to ensure that the foregoing standards and requirements are met. No site alteration shall result in any net reduction of available floodplain storage.

(7) Design of water detention structures and flow attenuation devices shall be subject to the approval of the city engineering office pursuant to the standards hereof. Detention structures shall be designed to release runoff to the downstream drainage system over a period of time so as not to exceed the capacity of the existing downstream system. The design of water detention structures and flow

attenuation devices shall be in compliance with the standard construction details found in the City of Flagler Beach Standard Construction Details.

(8) A positive drainage system shall be provided which will not adversely impact downstream owners or adjacent lands.

(9) Where possible, natural vegetation shall be used as a component of the drainage system. The water table should not be manipulated so as to endanger natural vegetation beneficial to water quality unless natural vegetation can be replanted and survive with a lowered water table condition.

(10) Runoff from higher adjacent lands shall be considered and provisions for conveyance of such runoff shall be included in the drainage plan.

(11) Runoff shall be treated to remove oil and floatable solids before discharge from the site in a manner approved by the city.

(12) Erosion by wind or water shall be prevented by the developer throughout the construction process.

(13) Direct discharge to class II waters (Shellfish Propagation or Harvesting) is prohibited. A workable filter system approved by the city must be provided prior to any discharge to class II waters.

(14) For the purpose of this section, it is presumed that the lowering of the water table for the purpose of constructing detention barriers and/or permanently protecting road construction does not conflict with the stated objectives of this section if all of the following are met:

a. Based on data collected and interpreted by the U.S. Geological Survey, the St. Johns River Water Management District (SJRWMD), the city and other professional investigators, as important to recharge or to prevent discharge into the Floridian aquifer;
b. With separate special approval by the city, the proposed lowering of the water table shall be over no more than fifteen (15) percent of the site to a depth of five (5) feet below the surface of the existing undisturbed ground, or an equivalent volume; said area to be measured at the overflow elevation of the detention barrier(s);
c. With separate special approval by the city, the high-water table may be lowered up to two (2) feet below the undisturbed ground in the vicinity of roads for the purpose of protecting the sub-base and base of the roadway and/or for the purpose of preventing mosquito breeding in the roadside swales;
d. The lowering of the water table has no adverse effect on wetlands off site vegetation as defined herein; and
e. The lowering of the water table does not increase flows to the detriment of neighboring lands.

(15) For project sizes greater than one (1) acre of disturbed area, the applicant shall acquire permit coverage from the SJRWMD, National Pollutant Discharge Elimination System program and provide proof of such to the city prior to construction.

(b) *Standards for category II.*

(1) Meet all conditions of category I plus: For certain soil conditions or ground water table conditions which do not permit the percolation of this volume within seventy-

two (72) hours following a storm event, the city shall approve detention with filtration.

(c) *Standards for category III.*

(1) Meet all conditions of categories I and II plus: The city shall defer to permitting by St. Johns River Water Management District.

(2) Stormwater management plans shall be prepared by a professional engineer or landscape architect licensed in the State of Florida and shall conform to:

a. The discharge hydrograph produced for the developed or redeveloped site shall not exceed, in terms of peak flow and total volume, the hydrograph produced by conditions existing before development or redevelopment for a twenty-four-hour, twenty-five-year frequency storm, if this provision will be met through detention of the difference between said volumes, said volume difference shall be released over not less than a twenty-four (24) hours nor greater than a seventy-two (72) hours period of time. Runoff rates and volumes resulting from the project, in excess of existing amounts, shall be accommodated on-site. Off-site retention may be permitted if, in the opinion of the city, the recharge requirements of this section are met.

b. The peak discharge resulting from a twenty-four-hour, one-hundred-year frequency storm on the developed or redeveloped site shall not exceed the peak discharge resulting from a one-hundred-year frequency storm for pre-construction/development conditions on the site for flood prone areas as determined by the city.

c. Runoff computations shall be based on the most critical situation (rainfall duration, distribution and antecedent soil moisture condition) and conform to the methods described in the Florida Department of Transportation Drainage Manual, latest edition, and the St. Johns River Water Management District Regulation of Stormwater Management Systems.

(d) *Maintenance of stormwater management facilities.* The installed system(s) required by this section shall be maintained by the owner except where the city specifically accepts a certain system for maintenance. All areas and/or structures planned to be maintained by the city must be conveyed to the city by plat or separate instrument and accepted by the city commission. The owner shall provide adequate easements for approval with respect to system(s) to be maintained by the owner to permit the city to inspect and, if necessary, to take corrective action should the owner fail to maintain the system(s).

(e) *Alternative stormwater management designs.* Alternative designs and construction methods, such as perforated pipe systems, above and below ground water storage tanks and cisterns, rain barrels, and similar techniques, may be approved for use at the discretion of the city engineering department if they are consistent with professional best practices.

SECTION 2. 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. Therefore, in terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 3. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in the **City of Flagler Beach**. This ordinance shall apply to all applications for development in flood hazard areas submitted on or after the effective date of this ordinance.

SECTION 4. 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 the **City of Flagler Beach Code of Ordinances**, and that the sections of this ordinance may be renumbered or re-lettered. The word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect immediately upon adoption in accordance with the City of Flagler Beach Charter.

PASSED ON FIRST READING THIS 13TH DAY OF FEBRUARY, 2025.

PASSED AND ADOPTED THIS 13TH DAY OF MARCH, 2025.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

_____
Patti King, Mayor

ATTEST:

_____
Penny Overstreet, City Clerk