

**TOWN OF OCEAN RIDGE, FLORIDA  
PLANNING & ZONING COMMISSION MEETING  
AGENDA**

**MAY 8, 2017**

**Immediately Following Infrastructure Surtax Citizen Oversight  
Committee Meeting at 8:30 A.M.  
TOWN HALL \* MEETING CHAMBERS**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF APRIL 17, 2017 MINUTES**
- IV. ORDINANCE REVIEW**
  - 1. Ordinance No. 623: Floodplain Management
- V. ADJOURNMENT**

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING & ZONING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. PERSONS WHO NEED AN ACCOMODATION IN ORDER TO ATTEND OR PARTICIPATE IN THIS MEETING SHOULD CONTACT THE TOWN CLERK AT 561-732-2635 AT LEAST 5 DAYS PRIOR TO THE MEETING IN ORDER TO REQUEST SUCH ASSISTANCE. PLEASE TAKE NOTICE THAT ONE OR MORE TOWN COMMISSIONERS MAY BE PRESENT AT ANY BOARD OR COMMISSION MEETING OF THE TOWN OF OCEAN RIDGE.

PLANNING & ZONING MEETING MINUTES  
APRIL 17, 2017

Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, April 17, 2017 in the Town Hall Meeting Chambers.

I. CALL TO ORDER

The meeting was called to order at 8:30 AM by Chairman Gerald Goray.

II. ROLL CALL

Town Clerk Stevens led the roll call which was answered by the following:

	<u>Present:</u>	<u>Absent:</u>	<u>Tardy:</u>
Chairman Goray	x		
Member Richard Bajakian		x	
Member Penny Kosinski	x		
Member Mark Marsh	x		
Member Mauro Walker		x	
Alternate David Hutchins		x	
Alternate Kimberlee Marshall	x		

Staff present: Town Attorney Brian Shutt, Town Manager Jamie Titcomb, and Town Clerk Tracey Stevens.

III. APPROVAL OF THE MARCH 6, 2017 MINUTES

**Member Kosinski moved to adopt the March 6, 2017 minutes; seconded by Member Marsh. Motion carried 4-0.**

IV. ORDINANCE REVIEW

1. Ordinance No. 619: Site Plan Review Procedures

Attorney Shutt advised that at the last meeting, staff presented a draft Site Plan Review ordinance which provided that the Planning & Zoning Commission (P&Z) would make recommendations on building plans to the Zoning Official with no ultimate authority. Due to the comments received at the last meeting, staff modified the ordinance as presented at today's meeting. Attorney Shutt noted that staff recently had a question on whether the 50% cost threshold would apply to costs for the exterior façade and interior renovations, or only exterior façade. Member Marsh responded that the P&Z would be concerned with structural elements. The Building Department would review kitchen remodels, bathroom remodels, etc. and the P&Z would not want to use those costs in the 50% threshold to deem it necessary to come through the site plan review process. He stated the P&Z would be concerned with exterior façade and elements that would physically change the exterior. Attorney Shutt asked if we would want staff to break down the cost of the exterior renovations in the building permit costs and if that goes beyond the 50% threshold, it would come to P&Z, and Member Marsh responded that it is a gray area with total value. He stated we can let staff use their judgment to determine

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if the improvements are enough of an impact to the exterior to send it to P&Z. Attorney Shutt noted that we would look at the values on the Property Appraiser's website, however, those values are low compared to the actual value of the structure. Member Marsh responded that it is traditional to allow the applicant to get the market value appraisal if they want to. Attorney Shutt asked what time frame we would like to use for aggregating the 50% cost threshold, and Member Marsh responded that the norm is to take the total cost of work done in a year period to determine the 50% threshold.

Attorney Shutt noted that he made a change to the draft site plan review ordinance under Section 63-53, a new section #3 was added regarding 10 sets of plans to be submitted by the Architect. He asked the Commission if they had any input on what they would like to see. He also noted that there is a separate section regarding Concept Plan Review which is voluntary and gives the applicant an avenue to present a rendering and receive input from the Commission before moving forward with a full review. Member Marsh responded that it's fair if the applicant can get feedback before they invest heavily into architecture and engineering services.

Chair Goray asked if part of the criteria in section 3 would be enhancing the surrounding neighborhood, should the applicant come in with a graphic to determine that, and Member Marsh responded that most towns require submission of a street profile of two streets adjacent. He noted that it is cumbersome, but if they do a site plan aerial on Google Maps showing the adjacent neighborhood, it would be the duty of the Commission to evaluate it. Member Marshall stated that the goal is to help the applicant and not to obligate them to requirements at that stage. Member Marsh stated that other towns regulate colors, and we don't want to do that, but we are concerned with plans that come in that are out of context with the town. He noted that we should look at what the applicant is presenting, not what we would like to see. We should not re-design an applicant's design. We just need to give feedback on what we like and do not like, and should be very objective.

Member Marsh stated that regarding Section 1.d. List of Property Owner's Notification, 300 feet within the subject property, the norm is 250 feet. He noted that variances trigger more of a neighbor's concern. It was the consensus of the Commission to change that to 250 feet.

Attorney Shutt asked about the requirement to submit 10 sets of plans, and Member Marsh stated we need to have a strict format. He stated that electronic and hard copies should be allowed because it is easier for some applicants. The Town would get the electronic set and the official record set, and the Commission would get presentation sets (11x17 reductions). Town Clerk Stevens noted that 10 copies is standard, as we have five board members, the Town Clerk, Town Manager, Town Attorney, Town Engineer, and Building/Zoning Official that need to review the plans.

Attorney Shutt noted that we will need to develop an application, and Member Marsh stated that Gulf Stream has a good example. He stated that it needs to be a checklist format so staff can determine a responsive submission. He noted that Gulf Stream's

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application process covers from the survey to preliminary drainage, including site plan, elevations, etc. He noted that the advantage of electronic submissions is you can put them on the screen for the public at the meetings. Chair Goray asked if Commission members have suggestions on wording, or if we can leave the submission checklist up to staff with the ability to modify it as technology changes, and Attorney Shutt stated that applicants will ask to see a written policy, and Town Clerk Stevens agreed. Attorney Shutt stated that we can note in the ordinance that documents shall be submitted in accordance with the requirements as adopted by the Town Commission, and then the Town Commission can adopt a resolution to change items from time to time.

Member Kosinski asked about Section 63-51 (2) Major Development, submitted to the Administrative Official for approval by the Town Commission after recommendation by the P&Z, and Attorney Shutt stated that multi-family development final approval rests with the Town Commission after recommendation by the P&Z, however for single family and two family structures, P&Z is the final approving authority.

Chair Goray asked if the Commission had any comments regarding the criteria used for relationship of the building to the site, and Member Marsh stated he is ok with the criteria as written, as it needs to be general. He noted that it would be an unfair burden for staff to interpret and have to make those decisions.

Item 4 Concept Plan Review, second paragraph, second sentence, Attorney Shutt asked if the Commission had any input on timeframes for submittal. The Commission consensus was to have a rigid format. Attorney Shutt stated he will discuss with staff on timeframes and put that in a resolution.

There was a discussion regarding the P&Z meeting schedule, and the Commission consensus was to hold the meetings at 8:30 a.m. on the second Monday of each month.

There was a discussion regarding timeframe for adoption, and Attorney Shutt stated he will make the changes as discussed to the ordinance, and also develop a checklist, etc. and asked the Commission if they would like to see it before it goes to the Town Commission.

Member Marsh noted that the checklist should be the minimum requirements, and stated the word "minimum" should be included.

Member Kosinski stated that under "Concept Review" when we pull out the second sentence in the second paragraph, all of the other things should be pulled out as well. Attorney Shutt agreed that the language will work a lot better in a working document rather than an ordinance because we will have changes after the fact as we work through the process.

Member Marsh asked how we are going to determine application fees, and Town Manager Titcomb stated we will need to review our current fee schedule and schedules of surrounding communities to see what the reasonable fees may be.

**Member Marsh moved to approve the draft ordinance with revisions as suggested by the Commission and input from staff and move it forward to the Town Commission; seconded by Member Marshall. Motion carried 4-0.**

Attorney Shutt stated that staff will work on the application, procedure form, and ordinance to submit to the Town Commission.

Member Marsh suggested that we do some public relations on this so residents are aware of the changes. Attorney Shutt asked if the Commission has any recommendations on when to make the ordinance effective once it is approved. He noted that he would be hesitant to make the ordinance effective upon adoption because we would want to give people notice of the changes. Member Kosinski stated there is a perception that things are passed through the Commission in the summer months when people are not here, and she wants to see the ordinance go before the Town Commission in May and be made effective as soon as possible. Member Marshall stated she would be in favor of that, but we may want to be lenient with applicants at first. Member Marsh agreed that we should make it effective sooner rather than later. Attorney Shutt noted that we could recommend that it be effective upon adoption, but it will be up to the Town Commission.

Public comment: Don MaGruder, Town Commissioner, 9 Ridge Blvd, stated he is in favor of everything the Commission has done this morning, and that the proposed ordinance will help us get ahead of things like what is happening on Hudson (the building is not compatible with the neighborhood). He stated he believes this ordinance will be favorable with the public, and that there would be no resistance from the public unless there are a lot of contractors speaking.

Member Marsh stated the Commission still needs to discuss the issue of flat roofs, as there is a hole in our interpretation of pitched roof and flat roof definitions. Mr. MaGruder stated that Architects are creative and find ways to get around our ordinance. Chair Goray stated that the genesis of this whole problem began with the house on Harbour Drive South but the driver of the criticism was a lot of the other architectural details and a lack of landscaping. Member Kosinski asked why we would be against flat roofs besides aesthetics, and Member Marsh noted that it displays a non-residential character. Chair Goray suggested that we put this item on the next agenda for discussion. It was suggested that we have a joint workshop between the P&Z and the Town Commission, and there was consensus of the Commission to do so.

Mr. MaGruder stated we should also talk about the CCCL issues in a workshop, as we have some potential problems regarding height. Member Marsh stated that the state dictates that the finished floor habitable elevation has to be 15.42 beyond the side of the grade beam that you have to be piled, and usually you have two feet of grade beam so it would basically be 17.42. So now you have a grade that is an 8 and you have artificially elevated the structure, and the point of reference is from the finished floor elevation so you now have three stories.

James Bonfiglio, Town Commissioner, 5616 N. Ocean Blvd, stated that his recollection on flat roof discussion is a pitched roof is conducive to drainage off the roof, and you need some sort of pitch, or after a while it will warp in the heat and water will puddle on the roof which breeds mosquitos and bugs. He stated a pitched roof is also aesthetically better looking in the town as well.

Town Manager Titcomb stated that the Building Official recently informed us that the Building Code allows for mezzanines that are not included in the elevation figures, and not counted as the official first floor living area of the building for elevation calculations. This is essentially a loop hole in where the first floor begins. He stated it is allowable under state code. Member Marsh stated it is a commercial criteria that has crept into residential.

2. Ordinance No. 622: Sign Code

Attorney Shutt advised that in June 2015, the U.S. Supreme Court made a ruling regarding sign codes that impacted 99% of municipalities in the country. He noted that temporary signs are free speech signs, political signs, garage sale signs, real estate signs, etc. and the U.S. Supreme Court holds that all of these signs can be regulated but cannot be regulated based on content. We need to regulate these signs on a neutral basis. For example, we could not place regulations in our code that say a real estate sign can be 40 square inches, but a political sign can be 50 square inches. All of the temporary signs have to be regulated the same. He stated that the ordinance staff has submitted to the Planning & Zoning Commission today would comply with the U.S. Supreme Court ruling.

Town Manager Titcomb mentioned that we have not had any litigation regarding signs yet. Attorney Shutt stated we do not need to rush this ordinance, and that the Commission should review it and maybe come up with some wording that may be less impactful to the community.

Member Marsh noted that the Town addressed real estate signs in 1990 because they were too big for the Town, and stated that we should unify the signs to one size. He asked about political signs possibly exceeding the size, and Attorney Shutt reiterated that we cannot regulate based on content, so if we place a regulation size on a real estate sign, we would need to regulate all temporary signs to that size, including political signs.

Attorney Shutt mentioned that the draft ordinance states that no more than two signs can be commercial in nature, and there are spacing limits. He also noted that certain signs in the draft ordinance are exempt such as alarm signs, no trespassing, and regulatory signs, etc.

Alternate Member Marshall stated she would be in favor of limiting size and developing levels of temporary signs, and Attorney Shutt reiterated that the US Supreme Court is saying no, you cannot do that, as you cannot have content based signs.

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Town Manager Titcomb stated this is a legal driven issue based on the US Supreme Court ruling. He noted that if we regulate 4 x 10 as our size, we have to use that for real estate and any other temporary signs.

Attorney Shutt noted that we need a size requirement, but people are entitled to free speech. Member Kosinski stated the definition of temporary sign is critical.

Public Comment: James Bonfiglio asked Member Marsh if he has seen any push back by Realtors, and Member Marsh responded that he has not. Mr. Bonfiglio stated he does not see a need to move forward with this until someone complains. He stated we can take our time and work on the language.

**Alternate Member Marshall moved to defer action on Ordinance No. 622; seconded by Member Kosinski. Motion carried 4-0.**

V. Adjournment

Member Kosinski moved to adjourn at 9:55 a.m.; seconded by Member Marshall. Motion carried 4-0.

Minutes adopted by the Planning & Zoning Commission at its meeting on May 8, 2017.

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Chairman Goray

Attest:

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Tracey L. Stevens, CMC, Town Clerk

# MEMORANDUM

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**TO:** PLANNING AND ZONING COMMISSION MEMBERS  
**FROM:** R. BRIAN SHUTT, TOWN ATTORNEY  
**RE:** PROPOSED ORDINANCE REGARDING FLOODPLAIN MANAGEMENT  
**DATE:** MAY 4, 2017

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Pursuant to Sections 63-31 and 63-72 of the Code of Ordinances of the Town of Ocean Ridge, amendments to the Land Development Code shall first be presented to the Planning and Zoning Commission for a recommendation prior to being presented to the Town Commission.

The proposed ordinance was developed by the Federal Emergency Management Agency (FEMA) and the Florida Division of Emergency Management as a model ordinance that is designed to repeal and replace existing regulations to satisfy the National Flood Insurance Program and Florida Building Code requirements.

The Town is required to enact this ordinance in order coordinate its floodplain management regulations with the Florida Building Code - 2014 Edition, to repeal and replace existing regulations in order to satisfy the requirements of the National Flood Insurance Program and to meet the requirements of Florida Statute Section 553.73(5) as it relates to adopting certain administrative and technical amendments to the Florida Building Code regarding flood resistance in order to implement the National Flood Insurance Program.

The major changes involve how we calculate “substantial improvement” and how we address enclosed areas below the base flood elevation.

The ordinance that is attached is the latest version from the State flood plain coordinator as it relates to what they would like to see in our ordinance. Any ordinance the Town adopts will need the approval of the State flood plain coordinator in order for the Town to show that we have met the standards of the new NFIP (National Flood Insurance Program) regulations. FEMA has informed us that an ordinance meeting the new standards must be adopted prior to October 5, 2017.

If you have any questions please feel free to call me prior to the meeting.



ORDINANCE NO 623

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 1, "GENERAL PROVISIONS", SECTION 1-3, "DEFINITIONS", AND AMENDING CHAPTER 66 "ENVIRONMENTAL REGULATIONS", BY REPEALING ARTICLE II, "FLOOD DAMAGE PREVENTION" AND ENACTING A NEW ARTICLE II, "FLOODPLAIN MANAGEMENT", TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS AND FOR OTHER PURPOSES AND TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town of Ocean Ridge, Florida (the "Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Town of Ocean Ridge and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the Town of Ocean Ridge was accepted for participation in the National Flood Insurance Program April 9, 1971 and the Town Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

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

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

WHEREAS, the Town Commission previously adopted a requirement to increase the minimum elevation requirement, limit partitioning of enclosed areas below elevated buildings

and to limit access to enclosed areas, require accumulation of costs of improvements and repairs of buildings, based on issued building permits, over a 5–year period, and to require buildings that sustain repetitive flood damage over a 10-year period to be included in the definition of “substantial damage,” for buildings and structures in flood hazard areas prior to July 1, 2010 and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*;

WHEREAS, the Town 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.

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

NOW, THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Ocean Ridge, Florida, as follows:

Section 1. The foregoing Whereas clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. The Town Commission hereby amends Chapter 1, "General Provisions", Section 1-3, “Definitions” of the Town Code of Ordinances by repealing certain definitions to read as follows (additional language underlined and deleted language ~~stricken through~~):

**Sec. 1-3. - Definitions.**

....

~~*Area of shallow flooding* means a designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. It includes zone B on the comprehensive plan floodplain map.~~

~~*Area of special flood hazard* means the land in the floodplain subject to a one percent or greater chance of flooding in any given year; it is the land designated A5 and A7 on the floodplain map in the comprehensive plan.~~

....

~~*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.~~

....

~~*Flood* and *flooding* mean a general and temporary condition of partial or complete inundation of normally dry land areas from:~~

- ~~(1) — The overflow of inland or tidal waters.~~
- ~~(2) — The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~*Flood insurance rate map (FIRM)* means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.~~

~~*Flood insurance study* means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary-floodway map and the water surface elevation of the base flood.~~

~~*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~

....

Section 3. The Town Commission hereby amends Chapter 66, "Environmental Regulations", by repealing Article II "Flood Damage Prevention" of the Town Code of Ordinances and enacting a new Article II, "Floodplain Management" to read as follows (additional language underlined and deleted language ~~stricken through~~):

## **ARTICLE II. - FLOODPLAIN MANAGEMENT**

### **DIVISION 1. - ADMINISTRATION**

#### **Sec. 66-16. - General**

(a) *Title.* These regulations shall be known as the *Floodplain Management Ordinance* of the Town of Ocean Ridge, hereinafter referred to as "this ordinance."

(b) *Scope.* The provisions of this ordinance 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 ordinance 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;
- (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 ordinance 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 ordinance and the *Florida Building Code*, as amended by the Town, 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 ordinance 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 the Town 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 ordinance.

(f) *Disclaimer of Liability.* This ordinance shall not create liability on the part of the Town Commission of Ocean Ridge or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### Sec. 66-17. – 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 ordinance applies. This ordinance shall apply to all flood hazard areas within the Town of Ocean Ridge, as established in Section 66-17(c) below.

(c) Basis for establishing flood hazard areas. The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas dated October 5, 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 ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Town Clerk's office at 6450 N. Ocean Blvd., Ocean Ridge, Florida 33435

(1) Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 66-20 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the Town indicates that ground elevations:

a. 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 ordinance and, as applicable, the requirements of the Florida Building Code.

b. 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.

(d) Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law except as otherwise specifically provided.

(e) Abrogation and greater restrictions. This ordinance supersedes any ordinances or regulations in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances or regulations 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 ordinance and any other ordinances or regulations, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

(f) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

(1) Considered as minimum requirements;

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

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

Sec. 66-18. – Duties and powers of the floodplain administrator.

(a) Designation. The Town Manager 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 ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance 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 ordinance without the granting of a variance pursuant to Section 66-22 of this Ordinance

(c) Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, 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 ordinance;
- (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 ordinance 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 ordinance.

(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; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of “substantial improvement”; for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition 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 ordinance 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 66-22 of this Ordinance.

(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 ordinance.

(g) *Inspections.* The Floodplain Administrator shall make the required inspections as specified in Section 66-21 of this Ordinance 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 66-18(d) above ;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) 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, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;

- (4) Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete;
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Ocean Ridge are modified; and
- (6) Advise applicants for new buildings and structures, including substantial improvements, that 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 ordinance 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 ordinance; 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 ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the Town Clerk’s office at 6450 N. Ocean Blvd. Ocean Ridge, Florida 33435

Sec. 66-19. – 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 ordinance, 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 ordinance 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 ordinance 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.

(1) 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 ordinance:

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

(c) *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 Town. 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 66-20 of this Ordinance.
- (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.

(d) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation

of this ordinance, the *Florida Building Codes*, or any other ordinances or regulations of the Town. 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.

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

(f) *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 ordinance or any other ordinance, regulation or requirement of the Town.

(g) *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 South Florida Water Management District; section 373.036, F.S.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
- (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (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. 66-20. – 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 ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 66-20(b)(2) or (3) below.

- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 66-20(b)(1) below.
- (4) 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.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
- (8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
- (9) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance 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 ordinance.

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

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

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

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 66-20(d) below and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the Town. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 66-20(d) below.
- (4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

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

Sec. 66-21. – 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 ordinance 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 ordinance 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:

(1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

(2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 66-20(b)(3)b of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(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 66-21(d)

#### Sec. 66-22. – Variances and appeals.

(a) General. The Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Board of Adjustment 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 Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Circuit Court, as provided by Florida Statutes.

(c) Limitations on authority to grant variances. The Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in

Section 66-22(g) below, the conditions of issuance set forth in Section 66-22(h) below, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

(d) Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 66-20(c) above.

(e) 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.

(f) 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 ordinance, provided the variance meets the requirements of Section 66-22(d) above, 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.

(g) Considerations for issuance of variances. In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, 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.

(h) 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 ordinance or the required elevation standards;
- (2) Determination by the Board of Adjustment 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 regulations; 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 \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 66 - 23. – Violations.

(a) Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. 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 ordinance 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 ordinance 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 be subject to penalties as provided by law.

## **DIVISION 2. - DEFINITIONS**

Sec. 66-24. – General.

(a) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in Division 2.

(b) *Terms defined in the Florida Building Code.* Where terms are not defined in Division 2 and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

(c) *Terms not defined.* Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

Sec. 66-25. – Definitions.

*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 ordinance.

*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 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 "1-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 construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the Town, 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.

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

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the Town’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 Town’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 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 April 9, 1971. [Also defined in FBC, B, Section 1612.2.]

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 areas: [Also defined in FBC, B, Section 1612.2.]

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

Flood Insurance Rate Map (FIRM). The official map of the Town on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the Town. [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 ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the Town, 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 ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

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

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 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:

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.

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

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

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 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

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

Lowest floor. 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.]

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 ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the “start of construction” commenced on or after April 9, 1971 and includes any subsequent improvements to such structures.

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 section 320.01, F.S.]

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

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

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 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, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 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 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 50 percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to [REDACTED]. 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: [Also defined in FBC, B, Section 1612.2.]

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

Variance. A grant of relief from the requirements of this ordinance, 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 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.

### **DIVISION 3. - FLOOD RESISTANT DEVELOPMENT**

Sec. 66-26. – Buildings and structures.

(a) Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Section 66-19(b)(1) of this ordinance, 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 66-31 of this Ordinance.

(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 section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

Sec. 66-27. – 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, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 66-20(b)(1) of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of Section 66-28 of this Ordinance.

Sec. 66-28. – Site improvements, 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 sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 66-20(c)(1) of this Ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(e) *Limitations on placement of fill.* Subject to the limitations of this ordinance, 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. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

(f) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 66-20(c)(4) of this Ordinance 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 66-31(h)(3) of this Ordinance

Sec. 66-29. – 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 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.

Sec. 66-30. – 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 Section 66-30(c) below 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. 66-31. – 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 ordinance or the *Florida Building Code*, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 66-28(d) of this Ordinance if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(b) Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 66-28(d) of this Ordinance.

(c) Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 66-28(d) of this Ordinance.



(d) Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 66-28(d) of this Ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 66-20(c)(3) of this Ordinance.

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

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

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

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave 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.

(g) Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave 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.

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

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

**SECTION 3. The Ocean Ridge Land Development Code Chapter 67 Buildings and Building Regulations, Article III Technical Codes and Other Construction Standards is hereby amended by adding the following technical amendments to the *Florida Building Code, Residential*.**

**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, whichever is higher.
2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
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 plus 1 foot, or

at least 3 feet 2 feet (610 mm) 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, whichever is higher.

**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.

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

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

*Remainder unchanged*

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

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

**R322.3.5 Enclosed areas below design flood elevation.** Enclosed areas below the design flood elevation are not permitted ~~shall be used solely for parking of vehicles, building access or storage.~~

**Exception:** Areas enclosed by insect screening or open lattice.

**SECTION 4. The Ocean Ridge Land Development Code Chapter 67 Buildings and Building Regulations, Article III Technical Codes and Other Construction Standards is hereby amended by adding the following technical amendments to the *Florida Building Code, Building*.**

**1612.4.2 Additional requirements for enclosed areas.** In addition to the requirements of ASCE 24, enclosed areas below the design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators.

Change a definition as follows:

**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, alteration, addition or improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to                     . If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that 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.

**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. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**SECTION 5. The Ocean Ridge Land Development Code Chapter 67 Buildings and Building Regulations, Article III Technical Codes and Other Construction Standards is hereby amended by adding the following technical amendments to the *Florida Building Code, Existing Building*.**

**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, alteration, addition or improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of

accumulation begins when the first improvement or repair of each building is permitted subsequent to [REDACTED]. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

**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. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**SECTION 6. The Ocean Ridge Land Development Code Chapter 67 Buildings and Building Regulations, Article III Technical Codes and Other Construction Standards is hereby amended as follows.**

**Sec. 67-31. - Adoption of the Florida Building Code ~~and Countywide Amendments~~**

(a) The Florida Building Code as adopted by the state legislature, and as amended from time to time, is hereby incorporated by reference and adopted as the building code for the town.

(1) As required by paragraph 1609.3, of the Florida Building Code, wind speed lines in the area of jurisdiction of the town are hereby established as set forth on the basic wind speed map, which is hereby adopted and incorporated as if fully set forth herein, of which copies have been and are now filed in the office of the clerk of the town.

(2) Pursuant to table 1604.5 of the Florida Building Code, entitled Risk Category of Buildings and Other Structures, figures 1609A, 1609B and 1609C, establishing ultimate design wind speeds respectively of 170 mph, 190 mph and 160 mph in the town, are hereby adopted and incorporated as if fully set forth herein, copies of which have been and are now filed in the office of the clerk of the town.

~~(b) The county amendments to the Florida Building Code as most recently adopted by the board of county commissioners of the county, are adopted and shall be effective within the town.~~

**Sec. 67-32. - Floor elevations.**

(a) *Finished floor elevations.* Finished floor elevations, also referred to as the lowest floor in flood hazard areas, shall be the higher of the elevation required by the Florida Building Code or the following ~~established as follows:~~

- (1) Where the crown of the highest road abutting such property is at or below an elevation of 6.7 feet NAVD 88NGVD, the lowest first floor elevation of the structure shall be established at not lower than eight feet above zero elevation.
- (2) Where the crown of the highest road abutting such property is above an elevation of 6.7 feet NAVD 88NGVD, the lowest first floor elevation of the structure shall be established at not lower than 16 inches above the crown of the road, or not lower than eight feet above zero elevation, whichever is higher.
- (3) The maximum finished floor elevation of the structure shall be established as the average floor elevation of all areas (by square foot area) of the first floor, which average shall be no higher than one foot above the established minimum floor elevation.
- (4) At the outside perimeter of a building, the grade shall not have a gradation drop of more than two inches per foot to the edge of the property.
- (5) Nothing in this subsection (a) shall be construed to prohibit the construction of basements, garages, or porches; provided, however, that all basements shall have a minimum finished floor elevation of not less than eight feet above zero elevation as established by North American Vertical Datum of 1988 (NAVD 88)~~the U.S. Coastal and Geodetic Survey~~ and, except as otherwise provided in subsection (c)(2) of this section, a maximum finished floor elevation as required by subsection (a)(3) of this section. The artificial filling of land to create a basement is expressly prohibited. Notwithstanding the foregoing, all garages or other enclosed areas used solely for parking vehicles, building access or storage below the designed flood elevation can be constructed at elevations less than eight feet above zero elevation provided that the enclosed area provides for the entry and exit of flood waters through: (i) two openings having a total net area not less than one square inch per one square foot of enclosed area or (ii) engineered openings that are certified as having been designed to provide automatic equalization of hydrostatic flood forces. The bottom of any opening or engineered opening must be at least one foot above adjacent grade. All enclosed areas in Special Flood Hazard Areas must be constructed in accordance with the provisions of the Florida Building Code, Building Section 1612.4 or Florida Building Code Residential Section R322, as applicable ~~subsection 66-20(3)~~.

(b) *Finished grade of slab.* The minimum finished grade of the first floor or slab for residential structures located within the town shall be not less than eight feet above zero elevation as set by North American Vertical Datum of 1988 (NAVD 88)~~the U.S. Coastal and Geodetic Survey~~, and such grade level shall not be in excess of nine feet above zero elevation except for enclosed areas which can be constructed at elevations less than eight feet above zero elevation in accordance with subsection 67-32(a)(5) and subsection 66-20(3).

(c) *Maximum elevation.*

- (1) Where the natural elevation of a lot, prior to the placement of any fill, is higher than nine feet above zero elevation, the maximum elevation of the first floor or slab shall be established at not more than 12 inches above the average natural elevation of the lot.

(2) Where the natural grade differential of a lot is sufficient to build a basement or garage with a minimum of a ten-foot grade differential, then the height of the structure is determined from the first floor living elevation.

~~(3) For lots that are located east of the CCCL, the first floor living elevation shall be determined pursuant to state law and Florida Department of Environmental Protection regulations.~~

~~(d) Variance. Where applicable, preemptive county ordinance, or state or federal law (e.g., Florida Building Code), require a floor elevation other than as specified in this section, then the administrative official or building official may permit such floor elevation, and the property owner shall not be required to apply for a variance in order to obtain such permit.~~

**SECTION 7. FISCAL IMPACT STATEMENT.**

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

**SECTION 8 - Codification:** The ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

**SECTION 9 - Repeal of Conflicting Ordinances:** All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

**SECTION 10 - Severability:** If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

**SECTION 11 - Effective Date:** This Ordinance shall become effective immediately upon adoption.

FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2017.

SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2017.

Commissioner \_\_\_\_\_ offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

GEOFFREY A. PUGH, Mayor \_\_\_\_\_

JAMES BONFIGLIO, Vice Mayor \_\_\_\_\_

GAIL ADAMS AASKOV, Commissioner \_\_\_\_\_

STEVE COZ, Commissioner \_\_\_\_\_

DON MAGRUDER, Commissioner \_\_\_\_\_

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

TOWN OF OCEAN RIDGE, FLORIDA

BY: \_\_\_\_\_  
Geoffrey A. Pugh, Mayor

ATTEST: \_\_\_\_\_  
Tracey L. Stevens, Town Clerk