

ORDINANCE NO. 2021-05

AN ORDINANCE OF THE CITY OF OLDSMAR, FLORIDA, AMENDING THE CODE OF ORDINANCES, PART III LAND DEVELOPMENT CODE, ARTICLE II DEFINITIONS AND PART VI FLOOD CONTROL, STORMWATER MANAGEMENT, AND WETLANDS PROTECTION TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO INCLUDE PREVIOUSLY ADOPTED AMENDMENTS TO THE FLORIDA BUILDING CODE IN ARTICLE VI AND ADOPT NEW AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the City Council has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy.

WHEREAS, the City of Oldsmar participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements, achieving a CRS rating of Class 5; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better and to satisfy the prerequisite and for the City to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated such that the lowest floors are at or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the City Council determined that it is in the public interest to amend the floodplain management regulations to better protect owners and occupants of manufactured homes and to continue participating in the Community Rating System at the current class rating; and

WHEREAS, the City Council adopted amendments to the Florida Building Code by Ordinance No. 2015-16, and has determined it appropriate to include those amendments in Article VI of Part III of the Code of Ordinances relating to Flood Control, Stormwater Management and Wetlands Protection; and

WHEREAS, the City Council is adopting a requirement to (1) require declarations of land restriction (nonconversion agreements) for enclosures below elevated residential buildings; (2) modify requirements for enclosures below elevated dwellings in flood hazard areas; and (3) modify coastal high hazard area requirements to apply in Coastal A Zones; and for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLDSMAR, FLORIDA:

Section 1: That Article II of Part III of the Code of Ordinances is hereby amended as set forth as follows:

Article II - DEFINITIONS

2.1. - GENERAL

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~~*Area of shallow flooding.* A designated AO, AH, A1—A30, or V zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.~~

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~~*Area of special flood hazard.* Includes all areas designated on a flood hazard boundary map as zone A, or on a flood insurance rate map (FIRM) as zones A, AO, AH, A1—A30, AE, A99, VO, V1—V30, VE, or V. The relevant flood hazard boundary map and flood insurance rate maps (FIRM) and any revisions thereto, are adopted by reference and declared to be a part of these regulations.~~

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~~*Breakaway wall.* A wall that is designed and constructed to collapse under specified lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.~~

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~~*Design flood elevation.* The minimum elevation above sea level meeting all requirements of the floodplain and stormwater ordinances for construction. This elevation may include the base flood elevation, freeboard, 18-inch rule, and all other requirements of the City and the National Flood Insurance Program that raises the minimum floor elevation above the existing grade.~~

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~~*Lowest habitable floor.* The minimum elevation above the base flood elevation of the first habitable floor of a dwelling or a nonresidential building.~~

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Section 2: That Article VI of Part III of the Code of Ordinances is hereby amended as set forth as follows:

Article VI - FLOOD CONTROL, STORMWATER MANAGEMENT, AND WETLANDS PROTECTION

6.1. - TITLE

These regulations shall be known as the Floodplain Management Article of the City of Oldsmar hereinafter referred to as "article."

6.2. - SCOPE

The provisions of this article 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, clearing, 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.

6.3. - INTENT

The purposes of this article 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, clearing, 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.

6.4. - COORDINATION WITH THE FLORIDA BUILDING CODE

This article 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.

6.5. - WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this article and the Florida Building Code, as amended by the city, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This article 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 city to revise these regulations to remain eligible for participation in the national flood insurance program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this article.

This article shall not create liability on the part of the city or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made hereunder.

6.6. - APPLICABILITY

6.6.1. - General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

6.6.2. - Areas to which this article applies.

This article shall apply to flood hazard areas established in section 6.6.3 of this article within the following areas:

- (1) All areas within the City of Oldsmar;

- (2) Property, easements, right-of-way and/or any other areas which the City has jurisdiction over;
- (3) Any activities which would have an effect on floodplains within the areas described in (1) and (2) above.

6.6.3. - Basis for establishing flood hazard areas.

The Flood Insurance Study for Pinellas County, Florida and Incorporated Areas dated August 24, 2021 and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRMs), 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. When limited data is available from FEMA flood insurance study and flood insurance rate maps, the city will refer to the best available data through locally determined flood map data. Locally determined data shall include but not be limited to watershed management plans and the city's stormwater management plan maps and profiles and the county storm drainage basin study technical appendices nos. 1 through 52, consecutively, and any subsequent amendments. These sources are adopted by reference and made a part of this article. Studies and maps that establish flood hazard areas are on file at the Planning and Redevelopment Department, 100 State Street West, Oldsmar, FL 34677.

6.6.4. - Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to section 6.9 of this article, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the city indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the Florida Building Code.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

6.6.5. - Other laws.

The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

6.6.6. - Abrogation and greater restrictions.

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

6.6.7. - Interpretation.

In the interpretation and application of this article, 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.

6.7. - DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

6.7.1. - Designation.

The city manager shall be designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

6.7.2. - General.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this article. The floodplain administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to section 6.11 of this article.

6.7.3. - Applications and permits.

The floodplain administrator, in coordination with other pertinent offices of the city, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries (for example, where there appears to be a conflict between a mapped boundary and actual field conditions); a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance, including filling of property for any other purpose other than minor landscaping; and

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

6.7.4. - Findings of fact.

The city council hereby finds and declares that:

- (1) Because of variations in rainfall and the amount of stormwater runoff, flooding is a natural, recurring phenomenon.
- (2) The floodprone areas of the city are subject to periodic inundation which could result in loss of life, property damage, 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 could adversely affect the public health, safety and general welfare.
- (3) These flood losses are caused, in part, by the cumulative effect of obstructions and fill in floodplains causing increases in flood heights and velocities, and by the occupancy in floodprone areas of uses vulnerable to damage by floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise protected from flood damages.
- (4) Flooding and lands that are subject to flooding (flood-prone lands) serve the following important functions in the hydrologic cycle and ecological system:
 - a. Flood-prone lands provide natural storage and conveyance of floodwaters;
 - b. The water on flooded lands may provide recharge to groundwater and is a basic source of flow to rivers, streams and estuaries;
 - c. Temporary storage of surface waters on flood-prone lands regulates flood elevations and the timing, velocity and rate of flood discharges;
 - d. Flood-prone lands and the natural vegetation thereon maintain water quality by reducing erosion, removing nutrients and other pollutants and allowing sediment to settle;
- (5) Development of flood-prone lands is inconsistent with their natural functions, and improper management of floodwaters have the following significant adverse impacts on the health, safety and welfare of the city:
 - a. The owners of homes and business structures located in frequently flooded areas and their customers, guests, employees, children and future generations are subjected to unreasonable risk of personal injury and property damage.
 - b. Expensive and dangerous search and rescue and disaster relief operations must be conducted when developed properties are flooded.
 - c. Roads and utilities associated with development are subject to damage from flooding at great expense to taxpayers and rate payers.
 - d. Flooding of developed properties leads to demands for government to construct expensive and often environmentally damaging projects to control floodwaters.

- e. Loss of natural water storage capacity leads to reduction in the available water supply and a reduction in the stormwater treatment effectiveness in these areas.
- f. The level, velocity, frequency and duration of flooding on other lands are often increased when floodwaters are obstructed, diverted, displaced or channelized.
- g. Water quality is degraded, freshwater inflows to estuaries are disrupted and valuable wetland and wildlife habitat is lost.
- h. Property values are lowered and economic activity is disrupted by damaging floods.

6.7.5. - 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"; 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, NFIP and this article is required.

6.7.6. - 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 6.11 of this article.

6.7.7. - Notices and orders.

The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

6.7.8. - Inspections.

The floodplain administrator shall make the required inspections as specified in section 6.10 of this code for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, and including filling of property for any purpose other than minor landscaping. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

6.7.9. - 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 6.7.5 of this article;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office and the Southwest Florida Water Management District, 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 six months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this article and the Florida Building Code to determine that such certifications and documentations are complete;
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the city 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."

6.7.10. - Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood resistant construction requirements of the Florida Building Code.

These records shall be available for public inspection at the city planning and redevelopment department.

6.8. - PERMITS

6.8.1. - Permits and approvals required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, 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). In addition:

- (1) No development of any land or structure shall be commenced until such time as the all the proper zoning clearances, building permits, or land development permits habitat permits and other required approvals have been issued.
- (2) No land development permit may be issued for any development or use of any land or structure encompassed by the provisions of this chapter until the requirements of this chapter and all other floodplain management regulations have been met.
- (3) All development and/or use of any land or structures within the scope of this chapter for which a development permit has been issued shall, at all times, continue to conform to the requirements of this chapter and the final approved development order or site plan for which the development permit was issued.
- (4) More restrictive requirements imposed by other local and state legislation currently in effect or as amended shall take precedence over the terms of this chapter.

6.8.2. - Floodplain development permits or approvals.

Floodplain development permits or approvals shall be issued pursuant to this article 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.

6.8.2.1. *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 article:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.

- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
- (9) Structures identified in section 553.73(10)(k), 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.

6.8.3. - Application for a permit or approval.

To obtain a floodplain development permit or approval, the applicant shall first file an application in writing on a form furnished by the city.

The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in section 6.9 of this article.
- (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.
- (8) For projects proposing to enclose areas under elevated residential buildings, the applicant must include a signed and notarized Declaration of Land Restriction (Nonconversion Agreement. The Nonconversion Agreement shall be recorded in the Official Records of Pinellas County, Florida prior to issuance of the Certificate of Occupancy.

6.8.4. - Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida

Building Codes, or any other ordinance of the city. 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.

6.8.5. - 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.

6.8.6. - Suspension or revocation.

The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of this city.

6.8.7. - 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 Southwest 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 64 E-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.

6.9. - SITE PLANS AND CONSTRUCTION DOCUMENTS

6.9.1. - Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard area, floodway boundaries which include the 100-year and/or 25-year (if delineated) 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 6.9.2(2) or (3) of this article.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five 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 6.9.2(1) of this article.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A Zones, new buildings shall be located 25 feet landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation, including any proposed compensatory 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; 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) There shall be no alteration of sand dunes and mangrove stands.
- (9) Existing and proposed alignment of any proposed alteration of a watercourse.
- (10) Elevation of all structures, in relation to the datum on the flood insurance rate map, of the lowest floor, including basement, or lowest horizontal structural member, as applicable.
- (11) Datum used to determine the floodplain elevation and source of data. The North American Vertical Datum (NAVD) of 1988, or the datum on the FIRM, shall be used.

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

6.9.2. - Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

- (2) Obtain, review, and provide to applicant's 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 three 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 three feet.
- (4) Upon approval of base flood elevation data, incorporate the data into the stormwater management plan.
- (5) 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.

6.9.3. - Twenty-five-year floodways and floodplains.

If the limits of the 25-year floodplain and floodway are available and approved by the city, no development is allowed within the limits of the 25-year floodway. In addition, development is only allowed within the 25-year floodplain that is outside the limits of the 100-year floodway. Engineering studies and analyses shall be submitted to demonstrate the compensatory excavation hydraulically balances the proposed development, redevelopment or fill for development within the 25-year floodplain.

6.9.4. - 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 6.9.5 of this article 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 at any point within the areas identified in section 6.6.2 of this article.

- (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 6.9.5 of this article.
- (4) For activities that propose to alter sand dunes and mangrove stands in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

6.9.5. - 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.

6.10. - INSPECTIONS

6.10.1. - General.

Development for which a floodplain development permit or approval is required shall be subject to inspection.

6.10.1.1. Development other than buildings and structures.

The floodplain administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

6.10.2. - Buildings, structures and facilities exempt from the Florida Building Code.

The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

6.10.2.1. 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 6.9.2(3)(b) of this article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

6.10.2.2. 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 6.10.2.1 of this article.

6.10.3. - Manufactured homes.

The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the building official.

6.11. - VARIANCES AND APPEALS

6.11.1. - General.

The city council shall designate a variance review board that shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to section 553.73(5), F.S., the variance review board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to section 3109 of the Florida Building Code, Building.

6.11.2. - Appeals.

The variance review board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this article. Any person aggrieved by the decision of variance review board may appeal such decision to the circuit court, as provided by Florida Statutes.

6.11.3. - Limitations on authority to grant variances.

The variance review board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 6.11.5 of this article, the conditions of issuance set forth in section 6.11.6 of this article, and the comments and recommendations of the floodplain administrator and the building official. The variance review board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

6.11.3.1. 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 6.9.4 of this article.

6.11.4. - 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.

6.11.5. - Considerations for issuance of variances.

In reviewing requests for variances, the variance review board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the city;
- (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.

6.11.6. - Conditions for issuance of variances.

Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards. The burden shall be on the applicant to provide documentation, sufficient to the satisfaction of the floodplain administrator, to show that the standards and conditions required for the granting of a variance have been met.
- (2) Determination by the variance review board 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. For purpose of this section, an exceptional hardship can only be caused by a peculiar and unique circumstance related directly to the land and shall not be the result of inconvenience, aesthetic consideration, physical or medical handicap, personal preference, financial considerations, or any after-the-fact circumstance created by the inhabitants of the structure or the present or previous property owners;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the base flood elevation increases risks to life and property.

6.12. - VIOLATIONS

6.12.1. - Violations.

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

6.12.2. - Authority.

For development that is not within the scope of the Florida Building Code but that is regulated by this article 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.

6.12.3. - Unlawful continuance.

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

6.13 - ENFORCEMENT; PENALTIES

6.13.1 - [Compliance.]

The owners of property subject to this article shall be responsible for compliance with this article with respect to their property. Enforcement action taken by the city, county or state may be brought against the owner and/or persons or entities in control of the property, including a contractor working on the property.

6.13.2 - [Violation.]

Any person who violates any provision of this article shall be punished as provided in section 1.7.1.

6.13.3 - [Land restoration.]

Any person or agency violating the provisions of this article may be required to restore land to its undisturbed condition and may be held responsible for any damages occurring as a result of the violation.

6.14. - DEFINITIONS GENERAL

6.14.1. - Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article, have the meanings shown in this section.

DEFINITIONS

Accessory structures means a structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Adverse impact means any modifications, alterations or effects on a feature or characteristic of water or floodprone lands, including their quality, quantity, hydrodynamics, surface area, species composition, living resources, aesthetics or usefulness for human or natural uses which are or potentially may be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability or which may unreasonably

interfere with the enjoyment of life or property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

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

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this article.

Applicant means the owner of the property for which a development permit is sought, or his authorized agent.

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

Base flood. A flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202.]

Breakaway walls means a partition or wall that is independent of supporting structural members and that is intended to withstand design wind forces but to collapse from a water load less than that which would occur during the base flood, without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls are designed and constructed to meet the requirements of the FBC, Residential, Section R322.3.4 or ASCE 24 for walls below the design flood elevation.

Coastal A Zone. An area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped coastal high hazard areas. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to one and one-half feet (457 mm). The inland limit of the Coastal A Zone is (a) the limit of moderate wave action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

Coastal Barrier Resource Act of 1982 (CBRA). For the purposes of the NFIP, the Coastal Barrier Resources Act of 1982 designated certain portions of the Gulf and East Coasts and undeveloped coastal barriers. These areas are shown on the appropriate flood insurance maps panels and have certain flood insurance coverage restrictions.

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 community, which defines that

portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. This term is not to be confused with the "coastal high hazard area" defined in the City of Oldsmar Comprehensive Plan, which is based upon the Sea, Lake, and Overland Surges from Hurricanes (SLOSH) model, and used for land use planning purposes.

Compensatory excavation means that excavation within or directly contiguous to a floodplain for the purpose of hydraulically balancing proposed fill.

Declaration of Land Restriction (Non-conversion Agreement). A form provided by the Floodplain Administrator to be signed by the owner, notarized and recorded in the Official Records of Pinellas County, Florida, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated residential buildings. By executing the agreement, the owner agrees to periodic inspections.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

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

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to three feet. [Also defined in FBC, B, Section 202.]

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. For the purposes of this chapter, development shall include, but is not limited to, the following activities or uses:

- (1) A reconstruction, alteration of the size, or change in the external appearance of a structure;
- (2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
- (3) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any coastal construction as defined in F.S. § 161.021;

- (4) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land;
- (5) Demolition of a structure;
- (6) Clearing of land as an adjunct of construction; and
- (7) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

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 May 21, 1971. [Also defined in FBC, B, Section 202.]

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 21, 1971.~~

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

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

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

- (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 202.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 202.]

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

Floodplain means the lateral extent of inundation by an event of given statistical frequency, such as special flood hazard areas as designated in the FIRMs, and 100-year and 25-year floodplain as designated in County Watershed Management Plans and the city stormwater master plan (SWMP) or any other source approved by the city's floodplain administrator.

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

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 202.]

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

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

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 foot. [Also defined in FBC, B, Section 202.] The city has a no rise policy within the floodways.

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.

Floodprone area. Any land area susceptible to being inundated by water from any source.

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.

Freeboard means a level higher than the base flood elevation. It is a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard compensates for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action or the hydrological effect of urbanization on the watershed.

Hazardous material means those chemicals or substances that are physical hazards or health hazards as defined and classified in the Florida Building Code and the Florida Fire Prevention Code, whether the materials are in usable or waste condition. [Defined in FBC, B, Section 307]

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

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.P.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.

Limit of Moderate Wave Action. A line shown on FIRMs to indicate the inland limit of the one and one-half-foot (457 mm) breaking wave height during the base flood.

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, 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 202.]

Major drainage system means a system of natural or manmade drainageways such as streams, ditches or canals that collect stormwater runoff from watersheds identified by name or number in the county's watershed management plans or city stormwater management plan.

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral

chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

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

~~*Market value.* The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, is the actual cash value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser or the "Just Value" of the structure, developed by the Pinellas County Property Appraiser's Office (PAO) for Ad Valorem taxation purposes, adjusted to approximate market value, as determined by the PAO, or approximate market value as identified by the property appraiser from which the taxable value is derived.~~

New construction. For the purposes of administration of this article and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after May 21, 1971 and includes any subsequent improvements to such structures. For the purposes of determining NFIP flood insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 21, 1971.~~

North American Vertical Datum of 1988 (NAVD) means the vertical datum used by the Federal Emergency Management Agency (FEMA) as the basis for published flood elevations.

Park trailer. A transportable unit which has a body width not exceeding 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 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 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

Special flood hazard area. An area in the floodplain subject to a one 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, CAZ, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

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 202.]

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. [Also defined in FBC, B Section 202.]

Substantial improvement. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 15-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. For each building permit, the 15-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to February 19, 2013. 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 202.]

- (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.

Twenty-five-year flood means the flood having a four percent chance of being equaled or exceeded in any given year.

Variance. A grant of relief from the requirements of this article, 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 article or the Florida Building Code.

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

Wetland means all those waters, fresh and saline, or areas which are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation specifically adapted to

life in saturated conditions. Such wetland vegetative indicators shall be those species listed in the Florida Administrative Code. Wetlands include, but are not limited to, rivers, lakes, streams, springs, impoundments, swamps, hydric hammocks, marshes, bogs, sinkholes, estuaries, sloughs, cypress heads, mangrove forests, bayheads, bayous, bays, and open marine waters, whether on private or public lands and whether they are manmade or natural. Wetlands shall not include stormwater retention ponds.

6.14.2. - Terms defined in the Florida Building Code.

Where terms are not defined in this article and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

6.14.3. - Terms not defined.

Where terms are not defined in this article or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

6.15. - FLOOD RESISTANT DEVELOPMENT LIMITATIONS ON DEVELOPMENT

6.15.1. - Development not permitted in floodways, isolated wetlands, and preservation areas.

No new development, substantial improvement, or fill shall be permitted within the 100-year floodway, the 25-year floodway, isolated wetlands, or environmentally sensitive areas that are designated as preservation areas on the future land use map adopted by the local government.

6.15.2. - Development permitted outside of floodways.

Development, redevelopment or fill is permitted outside of floodways if compensatory excavation is provided. Engineering studies and analyses shall be submitted to demonstrate the compensatory excavation hydraulically balances the proposed development, redevelopment or fill. Compensatory excavation shall be taken between the seasonal high water level and the base flood elevation and shall not result in adverse impact to the special flood hazard area. Compensatory excavation shall become part of the special flood hazard area and not be separated from it by an open channel or closed conduit such as culvert pipe. The floodplain administrator may waive the requirement for compensatory excavation if the applicant demonstrates that no adverse effects will result from the proposed activities outside the floodway and within the floodplain.

6.15.3. - General.

No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to three times the width of the stream at the top of bank or 20 feet on each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge

6.16. - BUILDINGS AND STRUCTURES

6.16.1. - Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to section 6.8.2.1 of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures, utility equipment 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 6.22 of this article.

6.16.2. - Buildings and structures seaward of the coastal construction control line.

If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 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 article and ASCE 24.

6.16.3. – Administrative Amendments to the Florida Buildings Code, Building.

Amend Section 107.3.5 as follows:

107.3.5 Minimum plan review criteria for buildings.

Commercial Buildings: Building

8. Structural requirements shall include:

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

Residential (one- and two-family):

6. Structural requirements shall include:

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

6.16.4. – Technical Amendments to the Florida Buildings Code, Building.

Amend Section 202 as follows:

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a 15- 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 February 19, 2013. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

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

- minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Amend Section 1612.4 by adding a new subsection as follows:

1612.4.3 Modification of ASCE 24 (Coastal A Zone). ASCE 24 Section 4.5 provisions for stem walls shall not be permitted for multifamily residential buildings (Residential Group R).

6.16.5. – Technical Amendments to the Florida Buildings Code, Existing Building.

Amend Section 202 as follows:

SUBSTANTIAL IMPROVEMENT. For the purpose of determining compliance with the flood provisions of this code, any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a 15- 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 February 19, 2013. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

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

6.16.6. – Technical Amendments to the Florida Buildings Code, Residential.

Amend Section R322.2.2 as follows:

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

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, elevators, and a storage area no larger than 100 square feet with one dimension not to exceed 6 feet.
2. Be provided with flood openings that meet the following criteria and are installed in accordance with Section R322.2.2.1:
 - 2.1. The total net area of non-engineered openings shall be not less than 1 square inch (645 mm²) for each square foot (0.093 m²) of enclosed area where the enclosed area is measured on the exterior of the enclosure walls, or the openings shall be designed as engineered openings and the construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood

forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 2.7.2.2 of ASCE 24.

2.2. Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.

2.3 The presence of louvers, blades, screens and faceplates or other covers and devices shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

Amend Section R322.3.3 as follows:

R322.3.3 Foundations. Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.5. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.6. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24.

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

Amend Section R322.3.5 as follows:

R322.3.5 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, the interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, elevators, and a storage area no larger than 100 square feet with one dimension not to exceed 6 feet, 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 resistance of not less than 10 (479 Pa) and not more than 20 pounds per square foot (958 Pa) as determined using allowable stress design; or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), as determined using allowable stress design, 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 base 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 structural and nonstructural building components. Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code.
5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.

6.16.7. – ACCESSORY STRUCTURES.

Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

- (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story detached garages not larger than 600 sq. ft., and accessory structures for storage not larger than 200 sq. ft., and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (2) If located in coastal high hazard areas (Zone V/VE) and Coastal A Zones, are not located below elevated buildings and are not larger than 100 sq. ft.
- (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
- (5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

6.17. - SUBDIVISIONS

6.17.1. - Minimum requirements.

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; 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.

6.17.2. - Subdivision plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required in addition to the other items that are required to be shown on plats by the city:

- (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 five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 6.9.2(1) of this article; and
- (3) Compliance with the site improvement and utilities requirements of section 6.18 of this article.

6.18. - SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

6.18.1. - Minimum requirements.

All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) 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.

6.18.2. - Sanitary sewage facilities.

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

6.18.3. - Water supply facilities.

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

6.18.4. - Limitations on sites in regulatory floodways.

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 6.9.4(1) of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

6.18.5. - Limitations on placement of fill.

Subject to the limitations of this article, fill shall be the minimum necessary for the intended purpose and 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.

6.18.6. - Limitations on sites in coastal high hazard areas (Zone V) and Coastal A Zones.

In coastal high hazard areas and Coastal A Zones, alteration of sand dunes and mangrove stands shall not be permitted.

6.19. - MANUFACTURED HOMES

6.19.1. - General.

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

6.19.1.1. Limitations on installations in coastal high hazard areas (Zone V) and Coastal A Zones.

New installations of manufactured homes shall be permitted only in existing manufactured home parks and existing manufactured home subdivisions.

6.19.2. - Foundations.

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

- (1) In flood hazard areas (Zone A) other than coastal high hazard areas and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this article. ~~Foundations for manufactured homes subject to section 6.19.4.2 of the article are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

- (2) In coastal high hazard areas (Zone V) and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this article.

6.19.3. - Anchoring.

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

6.19.4. - Elevation.

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or R322.3 (Zone V and Coastal A Zone). ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with section 6.19.4.1 or 6.19.4.2 of this article, as applicable.~~

~~6.19.4.1. General elevation requirement.~~

~~Unless subject to the requirements of section 6.19.4.2 of this article, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at least at or above the base flood elevation plus one foot as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).~~

~~6.19.4.2. Elevation requirement for certain existing manufactured home parks and subdivisions.~~

~~Manufactured homes that are not subject to section 6.19.4.1 of this article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

- ~~(1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~
- ~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

6.19.5. - Enclosures.

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

6.19.6. - Utility equipment.

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

6.20. - RECREATIONAL VEHICLES AND PARK TRAILERS

6.20.1. - 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.

6.20.2. - Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in section 6.20.1 of this article for temporary placement shall meet the requirements of section 6.19 of this article for manufactured homes and the requirements set forth in article 14, section 14.11 of this code.

6.21. - TANKS

6.21.1. - Underground tanks.

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

6.21.2. - Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of section 6.21.3 of this code shall:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas and Coastal A Zones, 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) and Coastal A Zones.

6.21.3. - Above-ground tanks, elevated.

Above-ground tanks in flood hazard areas shall be attached to and elevated to the base flood elevation plus one foot 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.

6.21.4. - Tank inlets and vents.

Tank inlets, fill openings, outlets and vents shall be:

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

6.22. - OTHER DEVELOPMENT

6.22.1. - General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of section 6.18.4 of this code 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 ASCE24, 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.

6.22.2. - Fences in regulated floodways.

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 6.18.4 of this article.

6.22.3. - Retaining walls, sidewalks and driveways in regulated floodways.

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 6.18.4 of this article.

6.22.4. - Roads and watercourse crossings in regulated floodways.

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 6.18.4 of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 6.9.4(3) of this article.

6.22.5. - Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V) and Coastal A Zones.

In coastal high hazard areas and Coastal A Zones, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

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

6.22.6. - Decks and patios in coastal high hazard areas (Zone V) and Coastal A Zones.

In addition to the requirements of the Florida Building Code, in coastal high hazard areas and Coastal A Zones decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than 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 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 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.

6.22.7. - Other development in coastal high hazard areas (Zone V) and Coastal A Zones.

In coastal high hazard areas and Coastal A Zones, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals

demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

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

6.22.8. - Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones.

In coastal high hazard areas and Coastal A Zones:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one 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.
- (4) There shall be no fill used as structural support. Noncompacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes, provided the fill will wash out from the storm surge (thereby rendering the building free of obstruction) prior to generating excessive load forces, ramping effects or water deflection. The planning and redevelopment director shall approve design plans for landscape/aesthetic fill only after the applicant has provided an analysis by an engineer, or soil scientist, which demonstrates that the following factors have been fully considered:
 - i. Particle composition of fill material does not have a tendency for excessive natural compaction;
 - ii. Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - iii. Slope of fill will not cause wave run up or ramping; and
 - iv. Evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

6.22.9. - Reserved.

6.22.10. - Consideration of soil and flood hazards.

All land intended for use in a development plan for building sites must be able to be used safely for building purposes without danger from flood or other inundation, or from adverse soil or foundation conditions, or from any other menace of health, safety, or public welfare. In particular, lands which are within the 100-year flood prone areas shall not be developed until proper provisions are made for protective flood control measures and water management facilities. In this regard it is the city's policy not to permit fill for structural support (monolithic footer and slab construction) within the SFHA. Foundation construction in the SFHA should be solely footer and stem wall construction, minimizing fill and reducing the possibility of flood waters undermining a structure's foundation and the chance that runoff will impact a neighboring property. Nonstructural fill shall be used solely to even or level the topography and must be the minimum amount necessary to ensure positive drainage. Fill shall be sloped to existing grade on the applicant's property. ~~To implement the city's policy the following requirements shall be met:-~~

- ~~(1) In those areas of the city where building lots are within the SFHA, and where the average topography of the lot is nine feet NGVD or less, only footer and stem wall construction shall be permitted. Fill may be permitted solely to even the topography of the lot and/or affect drainage but not as structural support to raise the elevation of the building pad.~~
- ~~(2) In those areas of the city where building lots are within the SFHA, and where the average topography of the lot is above nine feet NGVD fill with monolithic slab construction is permitted.~~

6.22.11. - Restrictions on filling, grade level change or encroachments; standards for low and very low potential soils.

No filling, grade level change, or encroachment will be permitted which will reduce the flood storage volume available between the base flood elevation and the nominal groundwater table to adversely affect any surrounding area. The soil survey prepared by the U.S. Department of Agriculture, Soil Conservation Service, is to be used as a guideline in identifying soil properties and interpretations for various uses in terms of soil limitations and soil features adversely affecting a particular use. In addition, the soil supplement, which is part of the soil survey, is to be used in interpreting the basic properties of the soils in terms of their potential for a particular use. The following standards shall be followed in areas of low and very low potential soils:

- (1) Soils with either low potential or very low potential for proposed uses, as identified in the USSCS soil survey and its soil supplement, shall not be developed unless:
 - a. Health and safety hazards are not created.
 - b. City maintenance of public facilities is not involved where the soil performance is low or unreliable.
- (2) Public facilities shall not be constructed where the soil performance for said public facilities is of low or very low potential, except in cases of overriding public interest.
- (3) Dedication shall not be accepted for public ownership or maintenance of utilities or roads constructed in areas where soil performance for said facilities is of a low or very low potential.

6.23. - HAZARDOUS MATERIALS

6.23.1. - Manufacture and storage of hazardous materials.

Structures used for the manufacture or storage of hazardous materials shall not be permitted in any floodplain or floodway.

6.23.2. - Discharge of hazardous materials.

It shall be unlawful for any person to discharge, cause to be discharged, or allow to be discharged any hazardous materials within any floodplain or floodway.

6.24. - STORMWATER MANAGEMENT

6.24.1. - General.

Protection of water resources is critical to the health, safety, and welfare of the public. innovative approaches to stormwater management shall be encouraged and the concurrent control of erosion, sedimentation, and flooding shall be mandatory. No site alteration shall adversely affect the existing surface water flow pattern. No site alteration shall cause siltation of wetlands, pollution of downstream wetlands, or reduce the natural retention of filtering capabilities of wetlands. All stormwater management proposals shall ~~meet~~ comply with the Southwest Florida Water Management District (SWFWMD) requirements and the provisions of this section or other pertinent provisions of this code; however, nothing herein shall prevent the city from reviewing and accepting, upon review and approval by the city engineer, SWFWMD review and approval of small development sites consistent with its notice general permit procedures. Additional engineering analysis may be requested by the city engineer to establish that such permitting is in compliance with the intent of this code.

6.24.2. - Stormwater management criteria.

A complete stormwater management system shall be provided for all areas of a proposed development project and for handling stormwater runoff that flows into or across the project area from the outside, without undesired additional flooding of any other lands. The system shall be designed for long life and ease of maintenance by normal methods. Soil types shall be considered and full development of the basin assumed for selection of proper runoff coefficients within the basins involved shall be designed. The system shall be designed in accordance with accepted engineering principles for design floods resulting from rainstorms of the maximum intensity predicted for the area at 25-year intervals, 24-hour duration. Rainfall volume shall be computed for pre-development and post-development runoff conditions.

The following volume shall be retained on site if greater than the volume produced by one inch of rainfall. Said volume shall be computed for pre- and post-development runoff conditions. The difference between pre- and post-development runoff volumes shall be detained on site.

A positive outfall for all runoff in excess of that retained shall be provided to a natural drainageway through appropriate easements, etc. If the downstream facilities are inadequate to convey the peak discharge for the design rainfall above, the proposed development must accommodate that portion of runoff above the downstream system actual capacity.

6.24.3. - Stormwater runoff criteria.

The following stormwater runoff criteria shall be met in all water management system designs:

- (1) *Treatment of stormwater runoff.* All drainage facilities shall be designed to remove oils, suspended solids, and other objectionable material in stormwater runoff.
- (2) *On-site percolation.* Sites shall be developed to maximize the amount of natural rainfall which is percolated into the soil and to minimize direct overland runoff into adjoining streets and watercourses. Stormwater runoff from roofs and other impervious surfaces shall be diverted into swales or terraces on the lot when possible. Whenever land within 200 feet of a lake and sloping toward said lake is developed, terraces sloping away from the lake, a tree line, or other acceptable barrier shall be provided to minimize stormwater runoff into the lake and to maximize aquifer recharge.
- (3) *Street drainage.* Street drainage shall be diverted to a stormwater management system of sufficient capacity to retain at least the stormwater runoff from each drainage area for a 25-year, 24-hour storm event. Existing lakes shall not be used as detention areas. Positive drainage facilities shall be provided for all detention areas to handle the runoff from storms which exceed the 25-year, 24-hour storm in duration and severity.
- (4) *Retention/detention.* The actual acreage required will depend on the percolation rate for the specific site and the manner in which the land is developed. All retention/detention areas shall be sodded in accordance with city regulations, and should be planted in trees, shrubs, or other growing plants that take up large volumes of nutrients.
- (5) *Disposition of stormwater runoff.* All drainage systems shall include special engineering design features to minimize pollution and oil, suspended solids, and other objectionable material in stormwater runoff within acceptable limits. Treatment facilities shall be designed by a Florida-registered engineer to adequately treat the stormwater runoff resulting from rainstorms of the maximum intensity predicted for the area at a 25-year, 24-hour duration.
- (6) *Storm drainage into natural water bodies.* Where an outfall is utilized which discharges into a: (a) lake; (b) canal or stream with a daily mean discharge of less than five cubic feet per second; or (c) canal or stream which flows into a lake within one mile, the first one inch of rainfall from each storm shall be retained and either percolated into the ground, collected and evaporated, or given chemical-physical treatment. Runoff from rainfall in excess of the first one inch and outfalls into canals and streams with an average daily flow exceeding five cubic feet per second shall be treated as specified in section 6.3.4 of this article. Outfalls into lakes shall be designed to prevent lake bottom scouring. Acceptable methods include use of an energy dissipator, or extending the outfall to discharge at a depth of ten feet or half the maximum depth of the lake, in accordance with current and amended regulatory permitting practices.
- (7) *Inlet spacing.* Street inlets shall be spaced so as to accept 100 percent of design runoff. Typically, the maximum allowable gutter run will be 1,000 feet on streets with standard curb and gutter, and 500 feet on streets where Miami curbs are used. Actual required spacing will depend on the characteristics of each site.
- (8) *Natural watercourses.* Should the proposed development area contain an existing natural watercourse, drainageway, channel, etc., such watercourse and the vegetation inherent therewith shall be maintained and the proposed development designed so as to

preserve the same. However, the use of such watercourse to carry runoff from any development shall be permitted, if provision for control of sediment in the excess runoff is made prior to the entrance of the runoff to the watercourse. This does not preclude the use of wetlands for storage and treatment of stormwater runoff, as long as the design drainage system does not measurably degrade the affected area.

6.24.4. - Outfall ditches and canals.

All swales, ditches, or canals shall have sufficient right-of-way provided to allow for the installation of the ditch, plus a minimum of a 20-foot maintenance berm on each side and a 15-foot property setback adjacent to the installation. Areas adjacent to the ditches and canals shall be graded in such a manner as to preclude the entrance of excessive runoff except at locations provided.

The maximum side slope permitted shall be three to one (3:1), with the top ditch bank rounded off. The minimum bottom width of outfall ditches and canals shall be four feet.

All runoff from each individual unit must be handled to a point of positive outfall. No design of an individual unit shall be dependent upon the ultimate installation of a future unit.

6.24.5. - Positive outfall.

Where an existing outfall is being utilized and the capacity to handle any additional runoff is in question, data to support the design shall be included in the analysis. All ditches shall be sized using accepted engineering practices. In all cases sufficient engineering data giving drainage area, velocity, and depth of flow is to be included in the drainage analysis.

Unless unstable or highly erosive soil conditions indicate a lower design velocity desirable, or unless erosion protection is provided, the maximum allowable velocity shall be five feet per second. The maximum grade of the outfall ditch, likewise, shall be that grade which will produce a velocity of five feet per second. The minimum grade shall be that grade required to provide for design flow.

6.24.6. - Retention/detention basins.

All retention/detention basins shall be readily accessible from streets or public rights-of-way and shall be situated so that maintenance can be easily performed. All drainage facilities shall be of a low maintenance and designed as follows:

- (1) Retention/detention basins shall be so designed that all detained water from the designed storm is removed after 72 hours. If this is not accomplished by percolation and evaporation, the basin must include a bleed-down system to relieve the excess amount and return it to the discharge side of the outlet structure.
- (2) The side slopes of all retention / detention basins shall be kept as flat as possible (maximum of four feet horizontal to one foot vertical). Concrete walls may be used on banks of ponds. However, these walls shall not impound water above the ground surface unless approved by the City Engineer. ~~, providing soil conditions are suitable to sustain plant growth and control erosion.~~
- (3) Wet retention / detention ~~Detention~~ basins and basins with vertical concrete walls shall be enclosed with a gated, six-foot high, chain link fence or an approved alternative,

except when the detention facility is a manmade lake or is part of a landscaped park or conservation scheme.

6.24.7. - Underground seepage storage systems and low impact development.

Underground storage systems and other low impact development stormwater best management practices may be permitted in accordance with Pinellas County's Stormwater Manual adopted 2018 or most recent revision. ~~Underground seepage systems are not allowed.~~

6.24.8. - Tabulations.

All submittals for stormwater design shall include the following tabulations:

- (1) Location and type of structure.
- (2) Type and length of line.
- (3) Drainage area.
- (4) Runoff factor.
- (5) Time of concentration to structure.
- (6) Rainfall intensity.
- (7) Total runoff.
- (8) Hydraulic gradient control elevation.
- (9) Hydraulic grade line, crown elevation, and flow line of each pipe.
- (10) Physical drop in pipe.
- (11) Hydraulic gradient loss.
- (12) Diameter of pipe.
- (13) Hydraulic gradient slope.
- (14) Velocity.

6.24.9. - Pipe materials permitted.

Pipe material shall be reinforced concrete pipe (RCP) or approved equals as per section 15.1.17 of this Code. The minimum diameter shall be 15 inches. Hydraulically equivalent elliptical pipe is an approved alternative.

6.24.10. - Inlets, manholes, and junction boxes.

All structures shall be constructed of concrete and all fins and irregular projections shall be chipped off flush with the surface immediately following the removal of forms. All projecting wires and nails shall be cut off at least one-half inch under the surface. All cavities produced by metal spacers, form tiles, bolts, honeycomb spots, etc., shall be carefully cleaned, saturated with water, and then carefully painted with mortar. All construction and expansion joints in the completed work shall be left carefully tooled and free of mortar and concrete. Joint filler shall be

left exposed for its full length with clean edges. Mortar topping for upper horizontal surfaces shall not be used. Paved inserts shall be required.

For all concrete surfaces which are to receive a surface finish, the contractor shall remove the forms and finish the concrete immediately after the concrete has set sufficiently. Minimum manhole diameters for intersecting pipe sizes shall be as follows:

Equivalent Pipe diameter (inches)	Inside diameter (feet)
Up to 48	6.00
Larger	Special design

Inlets shall be spaced in such a manner as to accept 100 percent of the design runoff. The actual required spacing will depend on the characteristics of each particular site.

Computation for drainage culverts, ditch sizes, and inlet spacings shall be based on the storm frequency design standards required in this Code and shall be submitted to the city engineer for approval.

6.24.11. - Storm sewer alignment.

All storm sewer layouts shall avoid abrupt changes in direction or slope and shall maintain reasonable consistencies in flow velocity. Where abrupt changes in direction or slope are encountered, provisions shall be made to handle the resultant head loss.

6.24.12. - Underdrains.

In cases where there is a prevalence of soils that exhibit adverse water table characteristics, underdrains and/or fill or other acceptable alternatives that will provide necessary measures to maintain the structural integrity of the road will be required. The determination of need shall be made by reference to applicable portions of the most recent edition of soil survey and supplement for Pinellas County, Florida, as prepared by the U.S. Department of Agriculture, Soil Conservation Service, and soil survey supplement, or whatever subsequent authoritative soil survey may be published for Pinellas County after adoption of these regulations, or according to information generated by developers prepared by a registered soils engineer.

- (1) Wherever road construction or lot development is planned in areas of the proposed subdivision having soil types with unacceptable water table characteristics, underdrains and/or fill shall be provided and shown on the engineering plans. Underdrains must be designed with free gravity outlet at carefully selected discharge points. Erosion control measures shall be provided as needed at all discharge points.
- (2) Wherever road cuts in otherwise suitable soils indicate that the finish grade will result in a road surface-to-water table relationship that adversely exceeds the degree of

limitation stated above, underdrains or other acceptable alternatives that will provide necessary measures to maintain the structural integrity of the road will be required.

- (3) Wherever roadway construction reveals unexpected water-bearing strata that would cause deterioration of the pavement, underdrains or other acceptable alternatives that will provide necessary measures to maintain the structural integrity of the road will be required, even though not shown on the plans.
- (4) Filtering media shall consist of stone, gravel, or slag, and shall contain no friable materials.
- (5) Wherever underdrain pipe is required, the specifications shall be in accordance with the American Society for Testing and Materials, designation D3033-5.

6.24.13. - Special considerations.

Special consideration shall be given in the layout of streets, lots, blocks, buildings, and easements to the preservation of resource and specimen individual trees. Special consideration shall also be given to preserving natural drainage methods and natural topography and landscape. Special consideration shall be given to providing special screening, buffers, or berms where developments abut incompatible land uses.

6.24.14. - Specific construction and improvement standards.

For all privately and publicly owned land within the city, the following provisions are required: lots shall be graded so that all water will drain away from the building and the lowest floor shall be at least 18 inches above the crown of the highest street abutting the property.

6.25. - AQUATIC LANDS

6.25.1. - General.

Aquatic are defined as submerged land situated below the mean high water line, or seaward from an engineered bulkhead line as established by the Florida Department of Environmental Protection of a standing body of water, including ocean, bay, basin, bay, bayou, canal, lake, pond, river, or stream, and all bodies of fresh and salt water and all other waterways whether or not affected by a tidal influence, including waters of the state, and whether or not saline or fresh in nature, whether public or privately owned.

No aquatic lands may be considered in the determination of required land areas, maximum density or allowed densities (i.e., maximum lot coverage, open space requirements, recreation space requirements, etc.) for any abutting or adjacent upland. However, any drainage areas, retention ponds or other aquatic lands required to be constructed by a property owner in order to conform to the provisions of this Code or other city, county or state regulations pertaining to on-site retention of surface waters, shall be included in the calculation of available land for the purposes of density calculations. No aquatic lands shall be used for purposes other than fishing, boating, swimming, diving (both sport and commercial), water skiing and public works and other related reasonable human activities which will essentially preserve the natural conditions of these bodies of water.

The city council, in addition, may grant a supplementary use for aquatic lands if such use will preserve grass and mud flats for spawning and breeding grounds for fish and other wildlife, would not cause or contribute to the erosion of waterfront property, would not create an increase

in sedimentation of any watercourse, and would not cause saltwater intrusion into the water table and aquifer.

The term "watercourse" shall be defined as being a natural or artificial channel which conveys surface water and shall include such channels as are delineated on the Pinellas County drainage plan, city master drainage plan or the Southwest Florida Water Management District drainage plans. There shall be included in the area within the watercourse an area extending laterally outward 150 feet of the mean high water line or top of the banks, whichever is greater on either side of such channel as to tidal or saline waters and 50 feet beyond the bank of the channel or watercourse as to fresh water.

6.25.1.1. Exclusion from Pinellas County ordinance relating to aquatic preserves.

As contemplated by section 10 of Pinellas County Ordinance No. 71-4, all of the lands lying and being within the corporate limits of the city, as the same now exist or may be lawfully modified hereafter, be and the same are hereby deleted and excluded from the operation and effect of Pinellas County Ordinance No. 71-4 relating to aquatic preserves and other related matters.

6.26. - WETLANDS/UPLAND PROTECTION

6.26.1. - General.

Wetlands are defined as land that is inundated or saturated by surface water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophilic vegetation. Wetlands include connected systems, such as swamps, creek and canal systems, or other connected systems or may be isolated, such as cypress heads, topographical depressions, or other isolated systems. Wetlands may not be considered in the determination of required land areas, maximum density or allowed densities for any abutting or adjacent upland.

Uplands are defined as any land not defined as aquatic land or wetland, which may be suitable for development.

6.26.2. - Purpose.

It is the purpose of this section to protect wetlands and uplands, their associated wildlife, and water quality and quantity attributes from adjacent development impact. Such impacts include, but are not limited to, siltation, eutrophication, noise, artificial light intrusion, and human and domestic animal intrusion.

6.26.3. - Upland buffers.

In addition to the requirements set forth in section 6.4 of this article, the use of upland buffers shall be an additional protective measure to protect wetland areas. Upland buffers shall be required immediately adjacent to a wetland to protect the wetland from impacts. The upland buffers shall be required upon submittal of a development plan as set forth in article IV of this Code. The buffers must be shown on the plan and shall be preserved during site development.

The upland buffer shall be recorded as a conservation easement in accordance with F.S. § 704.06, or created as a conservation easement on the record plat for the development.

6.26.4. - Standards.

The following buffer widths shall apply to the particular wetlands found on the site:

1.	Isolated wetlands	20 feet
2.	Creeks, channels, ditches, canals or other waterways which are connected to the waters of the state as defined in the Florida Administrative Code	20 feet outside the top of bank or contiguous wetland whichever is greater
3.	Retention ponds adjacent to wetlands	20 feet from edge of wetland to top of bank of retention pond
4.	All other wetlands	20 feet

6.26.5. - Alternative upland buffer plan.

An applicant may reduce the buffer width through either buffer banking or through buffer enhancement. Under buffer banking an applicant may provide additional area of a section of the buffer and correspondingly reduce the buffer area in another section.

Under buffer enhancement an applicant may choose to enhance a buffer utilizing additional plant material, topographic changes or other measures in order to reduce the buffer requirement. Selection of either buffer banking or buffer enhancement shall require either an upland buffer banking plan or an upland buffer enhancement plan, or both, which plans shall be subject to approval by the city manager.

The city manager may, upon written request of an applicant, vary or waive the terms and provisions of this article in specific cases due to unreasonable hardships, overriding public interest, general public welfare or if the provisions of this article do not apply or are unnecessary.

Any persons adversely affected by a decision of the city manager in the permitting, enforcement or interpretation of any of the terms of this section may appeal such decision to the city council. Such appeal shall be taken by filing a written notice with the city manager with a copy to the city clerk, within ten days after the decision by the city manager. The appeal shall be placed on the agenda of the next regularly scheduled city council meeting subject to the statutory advertising or public notice requirements.

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

Section 4: For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Oldsmar. This ordinance shall apply to all applications for development,

including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

Section 5: It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Oldsmar's Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

Section 7: That this ordinance shall become effective immediately upon adoption.

PASSED ON FIRST READING:

May 18, 2021

PASSED ON SECOND READING AND ADOPTED:

June 1, 2021

Eric Seidel, Mayor
City of Oldsmar

ATTEST:

Ann Nixon, City Clerk, MMC
City of Oldsmar

APPROVED AS TO FORM:

Thomas J. Trask, B.C.S.
City Attorney, City of Oldsmar