

**CITY OF INDIAN ROCKS BEACH
ORDINANCE NO. 2014-02**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES BY REPEALING ARTICLE I, IN GENERAL, OF CHAPTER 90, FLOOD DAMAGE PREVENTION, CONSISTING OF SECTIONS 90-1 THROUGH 90-12, INCLUSIVE; REPEALING ARTICLE II, ADMINISTRATION, OF CHAPTER 90, FLOOD DAMAGE PREVENTIONS, CONSISTING OF SECTIONS 90-32 THROUGH 90-36; REPEALING ARTICLE III, STANDARDS FOR FLOOD HAZARD REDUCTION, DIVISION 1, GENERALLY, CONSISTING OF SECTION 90-61; REPEALING ARTICLE III, STANDARDS FOR FLOOD HAZARD REDUCTION, DIVISION 2, STANDARDS FOR FLOOD HAZARD REDUCTION, CONSISTING OF SECTIONS 90-81 THROUGH 90-88, INCLUSIVE OF THE CODE OF ORDINANCE, CITY OF INDIAN ROCKS BEACH, FLORIDA; PROVIDING FOR THE REPEAL OF THE ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, the City of Indian Rocks Beach was accepted for participation in the National Flood Insurance Program on May 7, 1971 and the City of Indian Rocks Beach City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

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

WHEREAS, Section 553.73(5), Florida Statutes, allows adoption of local

administrative amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH THAT the following floodplain management regulations, and the following local administrative amendments to the 2010 *Florida Building Code*, are hereby adopted.

SECTION 1. Article I, In General, of Chapter 90, Flood Damage Prevention, of the Code of Ordinances, City of Indian Rocks Beach, Florida, consisting of Section 90-1 through 90-12, inclusive is hereby repealed.

ARTICLE I. In General

Sec 90-1. Definitions.

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.~~

~~*Addition (to an existing building)* means any walled and roofed expansion to the perimeter of the building in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter loadbearing walls is new construction.~~

~~*Appeal* means a request for a review of the building official's interpretation of any provision of this chapter or a request for a variance.~~

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

~~*Area of special flood hazard* means the land in the floodplain within the city subject to a one percent or greater chance of flooding in any given year.~~

~~*Base flood* means the estimated depth of floodwater caused by a 100-year storm as established by Federal Emergency Management Agency or FIRM maps.~~

~~*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under~~

~~specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.~~

~~*Building* means any structure built for support, shelter, or enclosure for any occupancy or storage.~~

~~*Coastal high-hazard area* means the area below the elevation of the category 1 storm surge line as established by a sea, lake and overland surges from hurricane (SLOSH) computerized storm surge model.~~

~~*Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.~~

~~*Elevated building* means a nonbasement building built to have the lowest floor elevated above the ground level by pilings, columns (posts and piers), shear walls, or breakaway walls.~~

~~*Existing construction* means any structure for which the start of construction commenced before August 20, 1974.~~

~~*Existing manufactured home park or subdivision* means 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 August 20, 1974.~~

~~*Expansion to an existing manufactured home park or subdivision* means 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).~~

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

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

~~*Flood hazard boundary map (FHBM)* means an official map of the city, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as zone A.~~

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

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

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

~~*Floor* means the top surface of an enclosed area in a building, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.~~

~~*Functionally dependent facility* means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers. The term does not include longterm storage, manufacture, sales, or service facilities.~~

~~*Highest adjacent grade* means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.~~

~~*Historic structure* means any structure that is:~~

- ~~(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;~~
- ~~(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;~~
- ~~(3) Individually listed on a state inventory of historic places; or~~
- ~~(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the approved state program.~~

~~*Mangrove stand* means an assemblage of mangrove trees, which are mostly low trees noted for a copious development of interlacing adventitious roots above the ground, which contains one or more of the following species: black mangrove (*Avicennia nitida*), red mangrove (*Rhizophora mangle*), white mangrove (*Languncularia racemosa*), and buttonwood (*Conocarpus erecta*).~~

~~*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.~~

~~*Mean sea level* means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).~~

~~*National Geodetic Vertical Datum (NGVD)*, as corrected in 1929, means a vertical control used as a reference for establishing varying elevations within the floodplain.~~

~~*New construction* means structures for which the start of construction commenced on or after the effective date of the ordinance from which this chapter is derived.~~

~~*New manufactured home park or subdivision* means 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 August 20, 1974.~~

~~*Ready for highway use* means that the recreational vehicle is fully licensed and is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.~~

~~*Recreational vehicle* means a ready for highway use vehicle which is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection and does not exceed eight feet in width, is designed to be self-propelled or permanently towable by a light duty truck (less than one ton), and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

~~*Recreational vehicle lot* means a subdivision of the recreational vehicle park designed to contain a single recreational vehicle.~~

~~*Recreational vehicle park* means a lot or parcel of land upon which spaces are occupied or intended for occupancy on a temporary basis by recreational vehicles designed for travel, recreation, and vacation uses.~~

~~*Sand dunes* means naturally occurring accumulations of sand in ridges or mounds landward of the beach.~~

~~*Start of construction*, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348), means and includes substantial improvement, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it~~

~~include the installation of streets and/or walkways; nor does it include footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.~~

~~*Stormwater* means the flow of water which results from a rainfall event.~~

~~*Stormwater basin* means the area defined by topographic boundaries which contributes stormwater to a watershed, drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.~~

~~*Stormwater facilities* means manmade structures that are part of a stormwater management system designed to collect, convey, hold, divert, or discharge stormwater, and may include stormwater sewers, canals, detention facilities and retention facilities.~~

~~*Stormwater management system* has the same meaning described in subsection F.A.C. 62-40.210(21), (1992).~~

~~*Structure* means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructure.~~

~~*Substantial improvement* means any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the improvement or repair of the structure to its pre-damage condition equals or exceeds 50 percent of the market value of the structure either: (i) before the improvement or repair is started; or (ii) if the structure has been damaged and is being restored, before the damage occurred. The total cost does not include nonstructural interior finishings, including, but not limited to, finish flooring and floor coverings, base molding, nonstructural substrates, drywall, plaster, paneling, wall covering, tapestries, window treatments, decorative masonry, paint, interior doors, tile, cabinets, molding and millwork, decorative metalwork, vanities, electrical receptacles, electrical switches, electrical fixtures, intercoms, communications and sound systems, security systems, HVAC grills and decorative trim, freestanding metal fireplaces, appliances, water closets, tubs and shower enclosures, lavatories, and water heaters, or roof coverings, except when determining whether the structure has been substantially improved as a result of a single improvement or repair. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.~~

~~*Substantially improved existing manufactured home park or subdivision* means a manufactured home park or subdivision where the reconstruction, rehabilitation~~

~~or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the construction or improvement commenced.~~

~~*Variance* means a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.~~

~~Sec. 90.2. Penalty~~

~~Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be unlawful. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be punishable as provided in section 1-14, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.~~

~~Sec. 90-3. Statutory authority.~~

~~The legislature of the state has, in the Florida Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.~~

~~Sec. 90-4 Findings of fact~~

- ~~(a) All of the city is located within the 100 year floodplain and the Coastal High Hazard Area (defined as the area required to evacuate for a Category One hurricane, or Evacuation Level A), and is therefore subject to development limitations on density and intensity, consistent with the city's comprehensive plan.~~
- ~~(b) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.~~
- ~~(c) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated or floodproofed, or otherwise unprotected from flood damages.~~

~~Sec. 90-5. Purpose of Chapter~~

~~It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:~~

- ~~(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;~~
- ~~(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;~~
- ~~(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwater;~~
- ~~(4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and~~
- ~~(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwater or which may increase flood hazards to other lands.~~

~~Sec. 90-6. Objectives of chapter.~~

~~The objectives of this chapter are to:~~

- ~~(1) Protect human life and health;~~
- ~~(2) Minimize expenditure of public money for costly flood control projects;~~
- ~~(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;~~
- ~~(4) Minimize prolonged business interruptions;~~
- ~~(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;~~
- ~~(6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas; and~~
- ~~(7) Ensure that potential home buyers are notified that property is in a flood area.~~

~~Sec 90-7. Applicability of chapter.~~

~~The provisions of this chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.~~

~~Sec. 90-8. Basis for establishing areas of special flood hazard.~~

~~The areas of special flood hazard identified by the Federal Emergency Management Agency in its FIRM and FHBM maps, dated March 3, 1983, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.~~

~~Sec. 90-9. Compliance with applicable regulations.~~

~~No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations, including chapter 39 of the Pinellas County Code of Ordinances, the county coastal construction code.~~

~~Sec. 90-10 Effect of chapter on existing covenants and deed restrictions; conflicting regulations.~~

~~This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.~~

~~Sec. 90-11. Interpretation of chapter.~~

~~In the interpretation and application of this chapter all provisions shall be:~~

- ~~(1) Considered as minimum requirements;~~
- ~~(2) Liberally construed in favor of the city commission; and~~
- ~~(3) Deemed neither to limit nor repeal any other powers granted under state statutes.~~

~~Sec. 90-12. Warning and disclaimer of liability.~~

~~The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.~~

SECTION 2.. Article II, Administration, of Chapter 90, Flood Damage Prevention, of the Code of Ordinances, City of Indian Rocks Beach, Florida, consisting of Section 90-32 through 90-35, inclusive is hereby repealed

ARTICLE II. Administration

Sec. 90-32 Responsibility for administration.

~~The city manager or designee is hereby appointed to administer and implement the provisions of this chapter.~~

~~Sec. 90-33. Development permit required.~~

~~A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.~~

~~Sec. 90-34. Application for development permit; required certifications.~~

~~Application for a development permit shall be made to the city on forms furnished by the city prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, and existing or proposed structures, fill, storage of materials, and drainage facilities, and their location. Specifically, the following information is required:~~

~~(1) *Application stage.* The applicant shall provide the following:~~

- ~~a. Elevation in relation to mean sea level of the proposed lowest floor of all structures.~~
- ~~b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.~~
- ~~c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in section 90-84~~
- ~~d. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.~~

~~(2) *Construction stage.* A floor elevation or floodproofing certification shall be provided after the lowest floor is completed, or, in instances where the structure is subject to the regulations applicable to coastal high-hazard areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the building official a certification of the elevation of the lowest floor, the floodproofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Such certification shall be prepared by or under the direct supervision of and certified by a registered land surveyor or professional engineer. When floodproofing is utilized for a particular building, such certification shall be prepared by or under the direct supervision of and certified by a professional engineer or architect. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The building official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being submitted to proceed. Failure to submit the survey, or failure to make the corrections required by this section, shall be cause to issue a stop work order for the project.~~

~~Sec. 90-35. Variances.~~

~~(a) Variances shall be heard using the process identified in section 2-151~~

- ~~(b) The procedure for appeals shall be as set forth in section 2-149~~
- ~~(c) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a state inventory of historic places without regard to the procedures set forth in the remainder of this section, except for subsection (g) of this section, and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.~~
- ~~(d) In passing upon such applications, the city commission shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:~~
- ~~(1) The danger that materials may be swept onto other lands to the injury of others;~~
 - ~~(2) The danger to life and property due to flooding or erosion damage;~~
 - ~~(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~
 - ~~(4) The importance of the services provided by the proposed facility to the community;~~
 - ~~(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;~~
 - ~~(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;~~
 - ~~(7) The compatibility of the proposed use with existing and anticipated development;~~
 - ~~(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~
 - ~~(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
 - ~~(10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater and the effects of wave action, if applicable, expected at the site; and~~
 - ~~(11) 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, and streets and bridges.~~
- ~~(e) Upon consideration of the factors listed in subsection (d) of this section and the purposes of this chapter, the city commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.~~

~~(f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.~~

~~(g) Conditions for issuance of variances are as follows:~~

- ~~(1) Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, or, in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.~~
- ~~(2) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.~~
- ~~(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~
- ~~(4) The city shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.~~

SECTION 3. Article III, Standards for Flood Hazard Reduction, Division 1. Generally, of Chapter 90, Flood Damage Prevention, of the Code of Ordinances, City of Indian Rocks Beach, Florida, consisting of Section 90-61 is hereby repealed.

~~Sec. 90-61. Standards for all areas of special flood hazard.~~

~~In all areas of special flood hazard the following provisions are required:~~

- ~~(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.~~
- ~~(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.~~
- ~~(3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~
- ~~(4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.~~

- ~~(5) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~
- ~~(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the system.~~
- ~~(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and discharges from the systems into floodwater.~~
- ~~(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.~~
- ~~(9) Any alteration, repair, reconstruction or improvement to a structure which is in compliance with the provisions of this chapter shall meet the requirements of new construction as contained in this chapter.~~
- ~~(10) Prior to construction, plans for any structures that will have breakaway walls must be submitted to the building official for approval.~~

SECTION 4. Article III, Standards for Flood Hazard Reduction, Division 2. Specific Standards, of Chapter 90, Flood Damage Prevention, of the Code of Ordinances, City of Indian Rocks Beach, Florida, consisting of Section 90-81 through 90-88, inclusive is hereby repealed.

~~Sec. 90-81. Applicability.~~

~~In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 90-8, the provisions in this division are required.~~

~~Sec. 90-82. Manufactured homes and recreational vehicles.~~

~~Standards for manufactured homes and recreational vehicles are as follows:~~

- ~~(1) All manufactured homes placed on individual lots or parcels, all manufactured homes that are substantially improved, expansions to existing manufactured home parks or subdivisions, and all manufactured homes placed in substantially improved manufactured home parks or subdivisions must meet all the requirements of new construction, including elevation and anchoring.~~
- ~~(2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated as follows:~~
 - ~~a. The lowest floor of the manufactured home must be elevated no lower than the level of the base flood elevation; or~~

- ~~b. The manufactured home chassis must be supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade; and~~
- ~~e. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement; and~~
- ~~d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, any manufactured home placed or substantially improved must meet the standards of subsections (2)a and (2)c of this section.~~

~~Sec. 90-83. Residential construction.~~

~~New construction or substantial improvement of any residential structure shall have the lowest floor elevated no lower than the base flood elevation provided by FIRM maps above the base flood elevation.~~

~~Sec. 90-84. Nonresidential construction.~~

~~New construction or substantial improvement over 50 percent of any commercial, industrial, or nonresidential structure shall have the lowest floor elevated no lower than the base flood elevation provided by FIRM maps above the level of the base flood elevation. Structures located in all A zones may be floodproofed in lieu of being elevated provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this section are satisfied. Such certification shall be provided to the official as set forth in section 90-34(2).~~

~~Sec. 90-85. Elevated Buildings.~~

~~The architect/engineer shall select one of the methods set out in subsection (1) or (2) of this section for constructing enclosed areas below the base flood elevation.~~

- ~~(1) New construction or substantial improvements of elevated buildings may include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, and shall be designed to preclude finished living space. The area shall be designed to allow for the entry and exit of floodwater to automatically equalize hydrostatic flood forces on exterior walls.~~
 - ~~a. A minimum of two openings shall be provided having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;~~
 - ~~b. The bottom of all openings shall be no higher than one foot above grade; and~~

- e. ~~Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.~~
- (2) ~~New construction or substantial improvements of elevated buildings may include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, which shall be designed to preclude finished living space. The area shall be designed with breakaway walls. Nonsupporting breakaway walls shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:~~
 - a. ~~Design safe loading resistance of each wall shall not be less than ten or more than 20 pounds per square foot; or~~
 - b. ~~If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components during the base flood event. Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equalled or exceeded in any given year (100-year mean recurrence interval).~~
- (3) ~~Electrical, plumbing and other utility connections are prohibited below the base flood elevation.~~
- (4) ~~The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.~~

~~Sec. 90-86. Coastal High-hazard areas (V zones).~~

~~Located within the areas of special flood hazard established in section 90-8 are areas designated as coastal high-hazard areas. These areas have special flood hazards associated with wave wash, therefore, the following provisions shall apply:~~

- (1) ~~All buildings or structures shall be located 35 feet landward of the coastal construction control line.~~
- (2) ~~All buildings or structures shall be elevated so that the bottom of the lowest supporting horizontal member, excluding pilings or columns, is located no lower than base flood elevation provided by FIRM maps above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open latticework or decorative screening may be permitted for aesthetic purposes only and must be designed to wash~~

~~away in the event of abnormal wave action and in accordance with subsection (4) of this section.~~

- ~~(3) All buildings or structures shall be securely anchored on pilings or columns.~~
- ~~(4) Open latticework or decorative screening shall be allowed below the base flood elevation provided it is not part of the structural support of the building and is designed so as to break away under abnormally high tides or wave action without damage to the structural integrity of the building on which it is to be used; and provided no solid walls shall be allowed, and materials shall consist of lattice or mesh screening only.~~
- ~~(5) If aesthetic latticework or screening is utilized, such enclosed space shall not be designed to be usable for human habitation but shall be designed to be usable only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.~~
- ~~(6) Prior to construction, plans for any structures that will have latticework or decorative screening must be submitted to the building official for approval.~~
- ~~(7) Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with latticework or decorative screening as provided for in subsections (4) and (5) of this section.~~

~~Sec. 90-87. Standards for subdivision proposals.~~

- ~~(a) All subdivision proposals shall be consistent with the need to minimize flood damage.~~
- ~~(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.~~
- ~~(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.~~
- ~~(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, which is greater than the lesser of 50 lots or five acres.~~

~~Sec. 90-88. Areas of shallow flooding.~~

~~Located within the areas of special flood hazard established in section 90-8 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate, therefore, the following provisions apply:~~

- ~~(1) *Residential structures.* All new construction and substantial improvements of residential structures shall have the lowest floor elevated to the depth number specified on the flood insurance rate map, in feet, above the highest~~

~~adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least two feet above the highest adjacent grade.~~

~~(2) *Nonresidential structures.* All new construction and substantial improvements of nonresidential structures shall:~~

~~a. Have the lowest floor elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least two feet above the highest adjacent grade; or~~

~~b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

SECTION 5. FISCAL IMPACT STATEMENT.

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

SECTION 6. APPLICABILITY. For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Indian Rocks Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after adoption.

SECTION 7. In all other respects, the provisions of the Flood Regulations of the City of Indian Rocks Beach, Florida not hereby amended or modified shall remain in full force and effect.

SECTION 8. It is the intention of the Indian Rocks Beach City Commission that each provision hereof be considered separable, and that the invalidity of any provision of this Ordinance shall not affect the validity of any other provision of this Ordinance or Subpart B of the City of Indian Rocks Beach Code of Ordinances.

SECTION 9. It is the intention of the Indian Rocks Beach City Commission that such amended Ordinance be included in the Land Development Regulations of the City of Indian Rocks Beach, Florida and the publisher of the Land Development Regulations may renumber or reclassify such other provisions of the Land Development Regulations to accomplish such intention.

SECTION 10. All ordinances or parts of ordinances, in conflict herewith are hereby repealed, to the extent of such conflicts.

SECTION 11. This Ordinance shall become effective immediately upon final passage as allowed by law.

PUBLISHED in the Tampa Bay Times on the 27th day of November, 2013.

FIRST READING on the 10th day of December, 2013, by the City Commission of the City of Indian Rocks Beach.

PUBLISHED in the Tampa Bay Times on the 1st day of August 2014.

ADOPTED/DENIED ON SECOND AND FINAL READING on the 12th day of August 2014, by the City Commission of the City of Indian Rocks Beach.

R. B. Johnson, Mayor-Commissioner

ATTEST:

Deanne O'Reilly, MMC, City Clerk

Approved as to form and legal sufficiency:

By: _____
Jay Daigneault, City Attorney

/det