

ORDINANCE NO. 2021-08

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING LAND DEVELOPMENT REGULATIONS, CHAPTER 66, FLOODPLAIN MANAGEMENT BY AMENDING SECTIONS 66-101.2 – SCOPE; SEC. 66-102.3 - BASIS FOR ESTABLISHING FLOOD HAZARD AREAS; 66-102.3.1 – SUBMISSION OF ADDITIONAL DATA TO ESTABLISH FLOOD HAZARD AREAS; 66-103.2 – GENERAL; 66-103.5 – MODIFICATIONS OF THE STRICT APPLICATION OF THE REQUIREMENTS OF THE FLORIDA BUILDING CODE; 66-103.7 – INSPECTIONS; 66-103.8 – OTHER DUTIES OF THE FLOODPLAIN ADMINISTRATOR; 66-103.9 – FLOODPLAIN MANAGEMENT RECORDS; 66-104.3 - APPLICATION FOR A PERMIT OR APPROVAL; 66-105.1 – INFORMATION FOR DEVELOPMENT IN FLOOD HAZARD AREAS; 66-105.4 – SUBMISSION OF ADDITIONAL DATA; 66-107.4 – HISTORIC BUILDINGS; 66-107.5 – FUNCTIONALLY DEPENDENT USES; 66-107.5 – CONSIDERATIONS FOR ISSUANCE OF VARIANCES; ARTICLE II – DEFINITIONS; 66-301.1 – DESIGN AND CONSTRUCTION OF BUILDINGS, STRUCTURES AND FACILITIES EXEMPT FROM THE FLORIDA BUILDING CODE; 66-302.1 – MINIMUM REQUIREMENTS; 66-302.2 – SUBDIVISION PLATS; 66-303.1 – MINIMUM REQUIREMENTS; 66-303.6 – LIMITATIONS ON SITES IN COASTAL HIGH HAZARD AREAS (ZONE V); 66-306.2 - ABOVE-GROUND TANKS, NOT ELEVATED; 66-307.2 - CONCRETE SLABS USED AS PARKING PADS, ENCLOSURE FLOORS, LANDINGS, DECKS, WALKWAYS, PATIOS AND SIMILAR NONSTRUCTURAL USES IN COASTAL HIGH HAZARD AREAS (ZONE V); 66-307.3 - DECKS AND PATIOS IN COASTAL HIGH HAZARD AREAS (ZONE V); 66-307.4 - OTHER DEVELOPMENT IN COASTAL HIGH HAZARD AREAS (ZONE V); 66-307.5 - NONSTRUCTURAL FILL IN COASTAL HIGH HAZARD AREAS (ZONE V); ARTICLE II – DEFINITIONS OF CHAPTER 66 FLOODPLAIN MANAGEMENT; ADDING SECTION 66-301.4 – ACCESSORY STRUCTURES; AND REPEALING SECTIONS 66-106.1.3 – MANUFACTURED HOMES; DIVISION 4 – MANUFACTURED HOMES; PROVIDE FOR INTERNAL CONSISTENCY AND IMPLEMENTATION OF THE NEW FEMA REGULATIONS INCLUDING ADOPTION OF REGULATIONS FOR THE COASTAL A ZONE AND FOR OTHER PURPOSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of Treasure Island was accepted for participation in the NFIP Community Rating System (CRS) on October 1, 1992 and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation, and to further reduce vulnerability to flood damage by recognizing areas subject to moderate wave action; and

WHEREAS, the Florida Division of Emergency Management identified a number of minor corrections; some unnecessary provisions that apply to manufactured homes; some unnecessary provisions that apply in flood hazard areas not present in the City of Treasure Island; and

WHEREAS, the Local Planning Agency for the City meet on April 15, 2021 and recommends approval of the following revisions to the Land Development Regulations; and

WHEREAS, the City Commission has determined it is in the best interest of the public to adopt regulations that are consistent with FEMA Policy to allow issuance of permits for wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy;

NOW, THEREFORE, THE CITY OF TREASURE ISLAND DOES ORDAIN:

SECTION 1. The recitals set forth in the “Whereas” clauses above are ratified and confirmed as true and correct, and are hereby adopted as legislative findings by the City Commission of the City of Treasure Island, Florida for the adoption of this Ordinance.

SECTION 2. That section 66-101.2 – Scope, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

66-101.2 - Scope.

The provisions of this chapter shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of ~~manufactured homes and~~ manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

SECTION 3. That section 66-102.3 – Basis for establishing flood hazard areas, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-102.3 - Basis for establishing flood hazard areas.

The flood insurance study for the county and incorporated areas dated ~~September 3, 2003~~ August 24, 2021 and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Community Improvement Department of the City of Treasure Island, 120 108th Avenue, Treasure Island, Florida 33706.

SECTION 4. That section 66-102.3.1 – Submission of additional data to establish flood hazard areas, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-102.3.1 - Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to division 5 of Article I, Chapter 66, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a state licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be

considered as flood hazard area and subject to the requirements of this chapter 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.

SECTION 5. That section 66-103.2 – General, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-103.2 - General.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this chapter. The Floodplain administrator shall have the authority to render interpretations of this chapter consistent with the intent and purpose of this chapter 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 chapter without the granting of a variance pursuant to division 7 of Article I, Chapter 66.

SECTION 6. That section 66-103.5 – Modifications of the strict application of the requirements of the Florida Building Code, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-103.5 - 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 division 7 of Article I, Chapter 66

SECTION 7. That section 66-103.7 – Inspections, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-103.7 - Inspections.

The floodplain administrator shall make the required inspections as specified in division 6 of this Article I, Chapter 66 for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

SECTION 8. That section 66-103.8 – Other duties of the floodplain administrator, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-103.8 - Other duties of the floodplain administrator.

The floodplain administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 66-103.4;

- ~~(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the state division of emergency management, state floodplain management office, and submit copies of such notifications to the federal emergency management agency (FEMA);~~
- (32) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, or flood hazard area boundaries; such submissions shall be made within six months of such data becoming available;
- (43) Review required design certifications and documentation of elevations specified by this chapter and the Florida Building Code and this chapter to determine that such certifications and documentations are complete;
- (54) Notify the federal emergency management agency when the corporate boundaries of city are modified; and
- (65) 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."

SECTION 9. That section 66-103.9 – Floodplain management records, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-103.9 - Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter 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 chapter; ~~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 chapter and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Community Improvement Department of the City of Treasure Island, 120 108th Avenue, Treasure Island, Florida 33706 during normal business hours.

SECTION 10. That section 66-104.3 - Application for a permit or approval, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-104.3 - 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 community. 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 division 5 of Article I, Chapter 66.
- (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.

SECTION 11. That section 66-105.1 – Information for development in flood hazard areas, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-105.1 - Information for development in flood hazard areas.

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

- (1) Delineation of flood hazard areas and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas (zone V), Coastal A Zones, and A/AE flood zones, new buildings shall be located landward of the reach of mean high tide.
- (3) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (4) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (5) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable; delineation of the 1968 Treasure Island Mean high Water Line, as well as any established erosion control line on the site.
- (6) Extent of any proposed alteration of sand dunes or mangrove stands provided such alteration is approved by the state department of environmental protection.

~~(7) Existing and proposed alignment of any proposed alteration of a watercourse.~~

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this chapter 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 chapter.

SECTION 12. That section 66-105.4 – Submission of additional data, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-105.4 - Submission of additional data.

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

~~Sec. 66-106.1.3 – 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 chapter 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.~~

SECTION 13. That section 66-107.4 – Historic buildings, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:
Sec. 66-107.4 - 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 12 44 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.

SECTION 14. That section 66-107.5 – Functionally dependent uses, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-107.5 - Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this Chapter, provided the variance ~~meets the requirements of section 66-107.3.1,~~ meets the requirements of Article 1, Chapter 66, Division 7-Variances and Appeals and is the

minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

SECTION 17. That Article II – Definitions of Chapter 66 Floodplain Management, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

ARTICLE II. - DEFINITIONS

Accessory structures. 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.

~~*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 chapter or a request for a variance.~~

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

Base flood. A flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202 4612-2.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the national geodetic vertical datum (NGVD), North American vertical datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 202 4612-2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202 4612-2.]

Breakaway wall. 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.

Coastal A Zone. 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 1 ½ 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 construction control line. The line established by the state pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that

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

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V zones" and are designated on flood insurance rate maps (FIRM) as zone V1-V30, VE, or V. [Also defined in FBC, B, Section 202.] ~~[Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]~~

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202 4612.2.]

- (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 two feet. [Also defined in FBC, B, Section 202 4612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before May 7, 1971. [Also defined in FBC, B, Section 202 4612.2.]

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 7, 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 4612.2.]

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

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202 4612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 202 4612.2.]

- (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.

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 4612.2.]

Flood insurance study (FIS). The official report provided by the federal emergency management agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202 4612.2.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this chapter (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 Chapter.

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. 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 flood plain 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.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 ~~Chapter 14~~ Historic Buildings.

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

(1) *Letter of map amendment (LOMA).* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

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

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

(4) Conditional letter of map revision (CLOMR). A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 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. Line shown on FIRMs to indicate the inland limit of the 1 ½-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, other than a basement, usable solely for vehicle parking, building access or limited storage provided

that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202 4612.2.]

Lowest horizontal structure member. Any shore-parallel structural member which supports floor, wall or column loads and transmits them to the pile or column foundation.

~~*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 chapter, the term refers to ~~the~~ 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 tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.~~

New construction. For the purposes of administration of this chapter and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after May 7, 1971 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 7, 1971.~~

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 F.S. § 320.01]

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

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

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

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. All of the city is located in a special flood hazard area. [Also defined in FBC, B, Section 202 1612.2.]

Start of construction. The date of issuance of permits for new construction and substantial improvements ~~to existing structures~~, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 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 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition

would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B, Section 202 1612-2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202 1612-2.]

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

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

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

SECTION 18. That section 66-301.1 – Design and construction of buildings, structures and facilities exempt from the Florida Building Code, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-301.1 - Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to section 66-104.2.1, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of division 7 of Article I, Chapter 66.

SECTION 19. That the Code of Ordinances of the City of Treasure Island, Florida is hereby amended by adding a section, to be numbered section 66-301.4, which said section reads as follows:

Sec. 66-301.4 – 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 and not larger than 600 sq. ft.
- (2) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

- (3) 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.
- (4) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (5) Have flood damage-resistant materials used below the base flood elevation plus two (2) foot.
- (6) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus two (2) foot.

SECTION 20. That section 66-302.1 – Minimum requirements, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:
 Sec. 66-302.1 - 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. ~~Zones AH and AO, in~~ all special flood hazards areas adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

SECTION 21. That section 66-302.2 – Subdivision plats, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-302.2 - Subdivision plats.

Where any portion of proposed subdivisions, ~~including manufactured home parks and subdivisions,~~ lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats; and
- (2) Compliance with the site improvement and utilities requirements of division 3 of Article I, Chapter 66.

SECTION 22. That section 66-303.1 – Minimum Requirements, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-303.1 - 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; ~~Zones AH and AO,~~ in all special flood hazard areas adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

SECTION 23. That section 66-303.6 – Limitations on sites in coastal high hazard areas (zone V), of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-303.6 - Limitations on sites in coastal high hazard areas (zone V) and Coastal A Zones.

In coastal high hazard areas (zone V) and Coastal A Zones, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the state department of environmental protection and only if the engineering analysis required by section 66-105.3(4) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 66-307.5(3).

SECTION 24. That division 4 – Manufactured Homes, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-304.1 - General.

Manufactured homes are not a permitted use in the City of Treasure Island. ~~All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this chapter. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of applicable requirements.~~

~~Sec. 66-304.2 - Foundations.~~

~~All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced column or piling foundations that are designed and constructed in accordance with Section R322 and this chapter. The application shall include documentation that is signed and sealed by a state licensed engineer or registered architect that the design and methods of construction to be used meet the applicable requirements of this division.~~

~~Sec. 66-304.3 – 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 due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the 100-year mean recurrence interval (one-percent annual chance flood). Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.~~

~~Sec. 66-304.4 – Elevation.~~

~~Manufactured homes that are placed, replaced, or substantially improved shall comply with sections 66-304.4.1 or 66-304.4.2, as applicable.~~

~~Sec. 66-304.4.1 – General elevation requirement.~~

~~Unless subject to the requirements of section 66-304.4.2, all manufactured homes that are placed, replaced, or substantially improved on sites located:~~

- ~~(1) — Outside of a manufactured home park or subdivision;~~

- ~~(2) In a new manufactured home park or subdivision;~~
- ~~(3) In an expansion to an existing manufactured home park or subdivision; or~~
- ~~(4) In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (zone A) or Section R322.3 (zone V).~~

~~Sec. 66-304.4.2 - Elevation requirement for certain existing manufactured home parks and subdivisions.~~

~~Manufactured homes that are not subject to section 66-304.4.1, 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.~~

~~Sec. 66-304.5 - Enclosures.~~

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

~~Sec. 66-304.6 - 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.~~

SECTION 27. That section 66-306.2 - Above-ground tanks, not elevated, of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-306.2 - Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of section 66-306.3 shall:

- (1) Be permitted in flood hazard areas (zone A) other than coastal high hazard areas (zone V), 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.

SECTION 28. That section 66-307.2 - Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in

coastal high hazard areas (zone V), of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-307.2 - 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 (zone V) 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.

SECTION 29. That section 66-307.3 - Decks and patios in coastal high hazard areas (zone V), of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-307.3 - 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 (zone V) 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 runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of 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.

SECTION 30. That section 66-307.4 - Other development in coastal high hazard areas (zone V), of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-307.4 - Other development in coastal high hazard areas (zone V) and Coastal A Zones.

In coastal high hazard areas (zone V) 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.

SECTION 31. That section 66-307.5 - Nonstructural fill in coastal high hazard areas (zone V), of the Code of Ordinances of the City of Treasure Island, Florida is hereby amended to read as follows:

Sec. 66-307.5 - Nonstructural fill in coastal high hazard areas (zone V) and Coastal A Zones.

In coastal high hazard areas (zone V) 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 state department of environmental protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 32. SEVERABILITY. It is declared to be the intent of the City Commission, that if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 33. CONFLICT. This action supersedes all ordinances and resolutions of the City or portions thereof, in conflict with or inconsistent with this ordinance, to the extent of such inconsistency or conflict.

SECTION 34. CODIFICATION. Sections 2-31 of this Ordinance shall be codified in the Code of Ordinances/Land Development Regulations for the City of Treasure Island, Florida. The codifier is authorized to renumber or reclassify such other provision of the Code of Ordinance to accomplish such intention. The codifier is also authorized to make editorial changes not affecting the substance of this Ordinance in the substitution of article, ordinance, section, paragraph, or such other appropriate word or phrase in order to accomplish such intention.

SECTION 35. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage.

FIRST READING and PUBLIC HEARING on the __ day of ____, 202__.

SECOND READING and PUBLIC HEARING on the __ day of ____, 202__.

PUBLISHED in the Tampa Bay Times on the _____ day of _____, 202_.

The foregoing ordinance was offered during the meeting of the City Commission of the City of Treasure Island, Florida, sitting on the __ day of ____, 202_ by Commissioner _____ who moved its adoption; was seconded by Commissioner _____ and upon roll call, the vote was:

YEAS:

NAYS:

ABSENT OR ABSTAINING:

Tyler Payne, Mayor

ATTEST:

Ruth Nickerson, City Clerk

Approved as to form:

Jennifer R. Cowan, City Attorney