



FLORIDA MUNICIPAL SERVICES
c/o 17425 Gulf Blvd.
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January 18, 2021

Meeting Date: January 19, 2021
Agenda Item 9 a
Continued Advertised Public Hearing

MEMORANDUM

TO: Redington Beach Planning Board

FROM: R. Bruce McLaughlin, AICP, MCIP, Town Planner

SUBJECT: Proposed Ordinance 2020-13, Floodplain Management Code Amendment

EXECUTIVE SUMMARY

The Town's Floodplain Management Code was adopted in 2016 apparently based on a model template that encompasses numerous provisions not relevant to Redington Beach. In order to prevent confusion with respect to irrelevant provisions, the Code should be narrowed to govern only issues found in the Town. Ordinance 2020-13 deletes numerous irrelevant provisions and provides a handful of clarifications and corrections. **STAFF RECOMMENDS THAT THE BOARD FIND ORDINANCE 2020-13 CONSISTENT WITH THE COMPREHENSIVE PLAN AND RECOMMEND ITS APPROVAL.**

BACKGROUND

Applicant	Town of Redington Beach
Affected Area	Entire Town

January 18, 2021

Ordinance 2020-13 was advertised for a December 8, 2020 public hearing and was continued from that public hearing to the date and time certain of January 19, 2021 at 7.00 pm.

THE REQUEST

That the Planning Board review proposed Ordinance 2020-13, find the Ordinance consistent with the Town's Comprehensive Plan and recommend it to the Town Board for approval.

NOTICE

The Clerk's office will advise as to the notice given of this advertised public hearing.

AUTHORITY

Pursuant to §§ 4 and 5 of the Town Charter, the Town is governed by the Board of Commissioners which may exercise all powers available to a municipality under the Constitution and laws of the State of Florida. Those powers include preparing and adopting (via § 15-56 of the Town Code), a comprehensive plan for the Town and related land development and other, related, regulations.

The proposed amendment to the Town's Floodplain Management Code is an amendment to a land development regulation as defined by § 163.3164(26), F.S. Accordingly, § 163.3174(2)(c) and Town Code § 15-34 require this Board to review the subject ordinance and make a determination of its consistency with the Town's Comprehensive Plan. The Board should also make a recommendation as to the adoption of Ordinance 2020-13.

ANALYSIS

Comprehensive Plan Consistency

Ordinance 2020-13 is consistent with the following policies from the Future Land Use Element:

Residential areas shall be located and designed to protect life and property from natural and manmade hazards such as flooding,

excessive traffic, subsidence, noxious odors, and noise.

FLUE Policy 1.1.2.

Ensure that all development is consistent with Federal Flood Insurance regulations;

FLUE Policy 3.1.4

And with the following Infrastructure and Conservation and Coastal Management Element policies:

2. The flood-carrying and flood storage capacity of the 100-year floodplain shall be maintained;
- ...
4. The prevention of erosion, retardation of runoff and protection of natural functions and values of the floodplain shall be considered while promoting public usage; and
5. The Town shall require development or redevelopment proposals to be consistent with the performance standards regulating development within the designated floodplain.

IE Policy 2.2.4

The Town shall protect water storage and water quality enhancement functions of wetlands and floodplain areas through acquisition, enforcement of laws and the application of land and water management practices which provide for compatible uses.

CCME Policy 1.1.4

Objective 1.2

The Town shall continue to strictly enforce regulations for development within the 100-year floodplain.

Policy 1.2.1

Recognizing that the community is located within the 100-year floodplain, the Town shall strictly enforce all appropriate flood regulations.

Policy 1.2.2

January 18, 2021

The Town shall protect the natural functions of the 100-year floodplain so that the flood carrying and flood storage capacity are maintained.

Policy 1.2.3

The Town shall continue to enforce its floodplain ordinance

CCME Objective 1.2 and implementing policies.

Therefore, a more narrowly tailored floodplain management code will be consistent with and implement the Town's Comprehensive Plan.

Policy Considerations

The proposed ordinance also:

- Replaces generic references to “this community” with references to Redington Beach;
- Allows the Clerk to designate her responsibilities as floodplain manager to another person;
- Corrects a reference to North Redington Beach;
- Reflects the change in the site plan code allowing “site sketches” in certain circumstances; and
- Replaces the definition of “development” with the definition from Chapter 380, Florida Statutes.

All of which advance the legitimate public purposes of the Floodplain Management Code while narrowly tailoring it to the Town of Redington Beach.

RECOMMENDATION

THAT THE REDINGTON BEACH PLANNING BOARD FIND ORDINANCE 2020-13 TO BE CONSISTENT WITH THE TOWN COMPREHENSIVE PLAN AND RECOMMEND THAT THE TOWN BOARD ADOPT THE ORDINANCE.

**TOWN OF REDINGTON BEACH
ORDINANCE 2020-13**

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, PINELLAS COUNTY FLORIDA, REPEALING AND REPLACING TOWN CODE CHAPTER 10, FLOODPLAIN MANAGEMENT, BY CREATING NEW ADMINISTRATION REQUIREMENTS, NEW DEFINITIONS AND NEW PROVISIONS FOR FLOOD RESISTANT DEVELOPMENT, MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Town of Redington Beach (the Town) has codified its ordinances over time into a Town Code (the Code) which sets forth the cumulative law of the Town; and

WHEREAS, the Town Board of Commissioners (the Commission) regularly adopts ordinances amending the Code; and

WHEREAS, however, many portions of the Code date back to 1980, with other portions of the Code not having been updated for ten or more years; and

WHEREAS, part of the Commission's duties include the necessity to ensure that the Town's ordinances, as codified in the Code, are up to date, reflect current Florida and federal statutory and case law, that they reflect current actual Town operations, and that they do not contain outdated, redundant or erroneous provisions; and

WHEREAS, Code Chapter 10, Floodplain Management, as adopted by Ordinance 2016-09 is appropriate to the Town but contains provisions inapplicable to the Town and should be refined to pertain strictly to the Town of Redington Beach; and

WHEREAS, this Ordinance has been reviewed by the Town Building Official and the Town Planner and recommended for approval; and

WHEREAS, this Ordinance has been reviewed by the Redington Beach Planning Board acting as the Local Planning Agency and been found to be consistent with the Town's Comprehensive Plan and recommended for approval; and

WHEREAS, the Commission therefore finds that it is in the best interests of the Town, and its citizens, property owners and businesses to adopt this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Beach, Florida, that:

1 **Section 1.** Chapter 10, Floodplain Management, of the Redington Beach Town Code is
2 amended to read as follows:

3
4 **ARTICLE I. - ADMINISTRATION**

5
6 **Sec. 10-1. - In general.**

7
8 (a) *Title.* These regulations shall be known as the Floodplain Management Ordinance of the
9 Town of Redington Beach, hereinafter referred to as “this chapter.”

10
11 (b) *Scope.* The provisions of this chapter shall apply to all development that is wholly within or
12 partially within any flood hazard area, including but not limited to the subdivision of land; filling,
13 grading, and other site improvements and utility installations; construction, alteration,
14 remodeling, enlargement, improvement, replacement, repair, relocation or demolition of
15 buildings, structures, and facilities that are exempt from the Florida Building Code; ~~placement,~~
16 ~~installation, or replacement of manufactured homes and manufactured buildings;~~ installation or
17 replacement of tanks; ~~placement of recreational vehicles;~~ installation of swimming pools; and
18 any other development.

19
20 (c) *Intent.* The purposes of this chapter and the flood load and flood resistant construction
21 requirements of the Florida Building Code are to establish minimum requirements to safeguard
22 the public health, safety, and general welfare and to minimize public and private losses due to
23 flooding through regulation of development in flood hazard areas to:

24
25 (1) Minimize unnecessary disruption of commerce, access and public service during
26 times of flooding;

27
28 (2) Require the use of appropriate construction practices in order to prevent or minimize
29 future flood damage;

30
31 (3) Manage filling, grading, dredging, ~~mining,~~ paving, excavation, ~~drilling operations,~~
32 storage of equipment or materials, and other development which may increase flood
33 damage or erosion potential;

34
35 (4) Manage the alteration of flood hazard areas, ~~watercourses,~~ and shorelines to minimize
36 the impact of development on the natural and beneficial functions of the floodplain;

37
38 (5) Minimize damage to public and private facilities and utilities;

39
40 (6) Help maintain a stable tax base by providing for the sound use and development of
41 flood hazard areas;

42
43 (7) Minimize the need for future expenditure of public funds for flood control projects

and response to and recovery from flood events; and

(8) Meet the requirements of the national flood insurance program for community participation as set forth in the Title 44 Code of Federal Regulations, section 59.22.

(d) *Coordination with the Florida Building Code.* This chapter is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(e) *Warning.* The degree of flood protection required by this chapter and the Florida Building Code, as amended by ~~this community~~, the Town of Redington Beach is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of title 44, Code of Federal Regulations. Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring ~~this community~~ the Town of Redington Beach to revise these regulations to remain eligible for participation in the national flood insurance program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this chapter.

(f) *Disclaimer of liability.* This chapter shall not create liability on the part of the town commission or by any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

Sec. 10-2. - Applicability.

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

(b) *Areas to which this chapter applies.* This chapter shall apply to all flood hazard areas within the town, as established in subsection 10-2(c) of this chapter.

(c) *Basis for establishing flood hazard areas.* The Flood Insurance Study, Pinellas County, Florida and Incorporated Areas, dated August 18, 2009 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 with Town of Redington Beach Town Hall, 105 164th Avenue, Redington Beach, Florida 33708.

(d) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 10-5 of this chapter the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the ~~community~~ Town of Redington Beach 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.

(e) *Other laws.* The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

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

(g) *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:

(1) Considered as minimum requirements;

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

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

Sec. 10-3. - Duties and powers of the floodplain administrator.

(a) *Designation.* The town clerk or her designee is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees and professionals as the need may arise.

(b) *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

1 interpretations of this chapter consistent with the intent and purpose of this chapter and may
2 establish policies and procedures in order to clarify the application of its provisions. Such
3 interpretations, policies, and procedures shall not have the effect of waiving requirements
4 specifically provided in this chapter without the granting of a variance pursuant to section 10-7 of
5 this chapter.

6
7 (c) *Applications and permits.* The floodplain administrator, in coordination with or as delegated
8 to other pertinent officers and officials of the town, shall:

9
10 (1) Review applications and plans to determine whether proposed new development will
11 be located in flood hazard areas;

12
13 (2) Review applications for modification of any existing development in flood hazard
14 areas for compliance with the requirements of this chapter;

15
16 (3) Interpret flood hazard area boundaries where such interpretation is necessary to
17 determine the exact location of boundaries; a person contesting the determination shall
18 have the opportunity to appeal the interpretation;

19
20 (4) Provide available flood elevation and flood hazard information;

21
22 (5) Determine whether additional flood hazard data shall be obtained from other sources
23 or shall be developed by an applicant;

24
25 (6) Review applications to determine whether proposed development will be reasonably
26 safe from flooding;

27
28 (7) Issue floodplain development permits or approvals for development other than
29 buildings and structures that are subject to the Florida Building Code, including
30 buildings, structures and facilities exempt from the Florida Building Code, when
31 compliance with this chapter is demonstrated, or disapprove the same in the event of
32 noncompliance; and

33
34 (8) Coordinate with and provide comments to the building official to assure that
35 applications, plan reviews, and inspections for buildings and structures in flood hazard
36 areas comply with the applicable provisions of this chapter.

37
38 (d) *Substantial improvement and substantial damage determinations.* For applications for
39 building permits to improve buildings and structures, including alterations, movement,
40 enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations,
41 substantial improvements, repairs of substantial damage, and any other improvement of or work
42 on such buildings and structures, the floodplain administrator, in coordination with the building
43 official, shall:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this chapter is required.

(e) *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to section 10-7. of this chapter.

(f) *Notices and orders.* The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this chapter.

(g) *Inspections.* The floodplain administrator shall make the required inspections as specified in section 10-6. of this chapter for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

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

(1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection 10-3(d) of this section;

(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);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, ~~or floodway designations~~; such submissions shall be made within six months of such data becoming available;

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

~~(5) Notify the Federal Emergency Management Agency when the corporate boundaries of the town are modified; and~~

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

(i) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this 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 Town of Redington Beach City Hall, ~~190 173rd Avenue East,~~ 105 164th Avenue North, Redington Beach, Florida 33708.

Sec. 10-4. - Permits.

(a) *Permits required.* Any owner or owner’s authorized agent (hereinafter “applicant”) who intends to undertake any development activity within the scope of this chapter, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly

1 within or partially within any flood hazard area shall first make application to the floodplain
2 administrator, and the building official if applicable, and shall obtain the required permit(s) and
3 approval(s). No such permit or approval shall be issued until compliance with the requirements
4 of this chapter and all other applicable codes and regulations has been satisfied.

5
6 (b) *Floodplain development permits or approvals.* Floodplain development permits or approvals
7 shall be issued pursuant to this chapter for any development activities not subject to the
8 requirements of the Florida Building Code, including buildings, structures and facilities exempt
9 from the Florida Building Code. Depending on the nature and extent of proposed development
10 that includes a building or structure, the floodplain administrator may determine that a floodplain
11 development permit or approval is required in addition to a building permit.

12
13 (c) *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the
14 requirements of federal regulation for participation in the national flood insurance program (44
15 C.F.R. sections 59 and 60), floodplain development permits or approvals shall be required for the
16 following buildings, structures and facilities that are exempt from the Florida Building Code and
17 any further exemptions provided by law, which are subject to the requirements of this chapter:

18
19 ~~(1) Railroads and ancillary facilities associated with the railroad.~~

20
21 ~~(2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.~~

22
23 ~~(3) Temporary buildings or sheds used exclusively for construction purposes.~~

24
25 ~~(4) Mobile or modular structures used as temporary offices.~~

26
27 ~~(5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are~~
28 ~~directly involved in the generation, transmission, or distribution of electricity.~~

29
30 ~~(6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe~~
31 ~~of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that~~
32 ~~has a thatched roof of palm or palmetto or other traditional materials, and that does not~~
33 ~~incorporate any electrical, plumbing, or other non-wood features.~~

34
35 ~~(7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and~~
36 ~~assembled on site or preassembled and delivered on site and have walls, roofs, and a floor~~
37 ~~constructed of granite, marble, or reinforced concrete.~~

38
39 ~~(8) Temporary housing provided by the department of corrections to any prisoner in the state~~
40 ~~correctional system.~~

41
42 ~~(9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code~~
43 ~~if such structures are located in flood hazard areas established on flood insurance rate maps.~~

1 (d) *Application for a permit or approval.* To obtain a floodplain development permit or approval
2 the applicant shall first file an application in writing on a form furnished by the ~~community~~ Town
3 of Redington Beach. The information provided shall:

4
5 (1) Identify and describe the development to be covered by the permit or approval.

6
7 (2) Describe the land on which the proposed development is to be conducted by legal
8 description, street address or similar description that will readily identify and definitively
9 locate the site.

10
11 (3) Indicate the use and occupancy for which the proposed development is intended.

12
13 (4) Be accompanied by a site plan, site sketch, or construction documents as specified in
14 section 10-5 of this chapter.

15
16 (5) State the valuation of the proposed work.

17
18 (6) Be signed by the applicant or the applicant's authorized agent.

19
20 (7) Give such other data and information as required by the floodplain administrator.

21
22 (e) *Validity of permit or approval.* The issuance of a floodplain development permit or approval
23 pursuant to this chapter shall not be construed to be a permit for, or approval of, any violation of
24 this chapter, the Florida Building Codes, or any other ordinance of ~~this community~~ the Town of
25 Redington Beach. The issuance of permits based on submitted applications, construction
26 documents, and information shall not prevent the floodplain administrator from requiring the
27 correction of errors and omissions.

28
29 (f) *Expiration.* A floodplain development permit or approval shall become invalid unless the
30 work authorized by such permit is commenced within 180 days after its issuance, or if the work
31 authorized is suspended or abandoned for a period of 180 days after the work commences.
32 Extensions for periods of not more than 180 days each shall be requested in writing and
33 justifiable cause shall be demonstrated.

34
35 (g) *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a
36 floodplain development permit or approval if the permit was issued in error, on the basis of
37 incorrect, inaccurate or incomplete information, or in violation of this chapter or any other
38 ordinance, regulation or requirement of ~~this community~~ the Town of Redington Beach.

39
40 (h) *Other permits required.* Floodplain development permits and building permits shall include a
41 condition that all other applicable state or federal permits be obtained before commencement of
42 the permitted development, including but not limited to the following:

(1) The Southwest Florida Water Management District; F.S. § 373.036.

~~(2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and chapter 64E-6, F.A.C.~~

(32) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.

~~(43)~~ Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.

(54) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(65) Federal permits and approvals.

Sec. 10-5. - Site plans, site sketches, and construction documents.

(a) *Information for development in flood hazard areas.* The site plan, site sketch, 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, ~~floodway boundaries~~ and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations ~~or floodway data~~ are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsections 10-5(b)(2) or (3) of this section.

~~(3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection 10-5(b)(1) of this section.~~

~~(4)~~ Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

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

(65) 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.

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

(87) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the state department of environmental protection.

~~(9) Existing and proposed alignment of any proposed alteration of a watercourse.~~

The floodplain administrator is authorized to waive the submission of site plans, site sketches, 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.

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

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

(2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

(3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

- a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
- b. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.

(4) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed

1 engineer in a format required by FEMA, and that it shall be the responsibility of the
2 applicant to satisfy the submittal requirements and pay the processing fees.

3
4 (c) *Additional analyses and certifications.* As applicable to the location and nature of the
5 proposed development activity, and in addition to the requirements of this section, the applicant
6 shall have the following analyses signed and sealed by a Florida licensed engineer for submission
7 with the site plan and construction documents:

8
9 ~~(1) For development activities proposed to be located in a regulatory floodway, a~~
10 ~~floodway encroachment analysis that demonstrates that the encroachment of the proposed~~
11 ~~development will not cause any increase in base flood elevations; where the applicant~~
12 ~~proposes to undertake development activities that do increase base flood elevations, the~~
13 ~~applicant shall submit such analysis to FEMA as specified in subsection 10-5(d) of this~~
14 ~~section and shall submit the conditional letter of map revision, if issued by FEMA, with~~
15 ~~the site plan and construction documents.~~

16
17 ~~———— (2) For development activities proposed to be located in a riverine flood hazard area for~~
18 ~~which base flood elevations are included in the flood insurance study or on the FIRM and~~
19 ~~floodways have not been designated, hydrologic and hydraulic analyses that demonstrate~~
20 ~~that the cumulative effect of the proposed development, when combined with all other~~
21 ~~existing and anticipated flood hazard area encroachments, will not increase the base flood~~
22 ~~elevation more than one foot at any point within the community. This requirement does~~
23 ~~not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in~~
24 ~~flood hazard areas identified as zone AO or zone AII.~~

25
26 ~~———— (3) For alteration of a watercourse, an engineering analysis prepared in accordance with~~
27 ~~standard engineering practices which demonstrates that the flood-carrying capacity of the~~
28 ~~altered or relocated portion of the watercourse will not be decreased, and certification that~~
29 ~~the altered watercourse shall be maintained in a manner which preserves the channel's~~
30 ~~flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in~~
31 ~~subsection 10-5(d) of this section.~~

32
33 (4) For activities that propose to alter sand dunes or mangrove stands in coastal high
34 hazard areas (zone V), an engineering analysis that demonstrates that the proposed
35 alteration will not increase the potential for flood damage.

36
37 (d) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering
38 data, studies, and additional analyses are submitted to support an application, the applicant has
39 the right to seek a letter of map change from FEMA to change the base flood elevations, ~~change~~
40 ~~floodway boundaries~~, or change boundaries of flood hazard areas shown on FIRMs, and to
41 submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida
42 licensed engineer in a format required by FEMA. Submittal requirements and processing fees
43 shall be the responsibility of the applicant.

1
2 **Sec. 10-6. - Inspections.**
3

4 (a) *General.* Development for which a floodplain development permit or approval is required
5 shall be subject to inspection.
6

7 (b) *Development other than buildings and structures.* The floodplain administrator shall inspect
8 all development to determine compliance with the requirements of this chapter and the
9 conditions of issued floodplain development permits or approvals.
10

11 (c) *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain
12 administrator shall inspect buildings, structures and facilities exempt from the Florida Building
13 Code to determine compliance with the requirements of this chapter and the conditions of issued
14 floodplain development permits or approvals.
15

16 (d) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor*
17 *inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical
18 construction, the owner of a building, structure or facility exempt from the Florida Building
19 Code, or the owner's authorized agent, shall submit to the floodplain administrator:
20

21 (1) If a design flood elevation was used to determine the required elevation of the lowest
22 floor, the certification of elevation of the lowest floor prepared and sealed by a Florida
23 licensed professional surveyor; or
24

25 (2) If the elevation used to determine the required elevation of the lowest floor was
26 determined in accordance with subsection 10-5(b)(3)b. of this section, the documentation
27 of height of the lowest floor above highest adjacent grade, prepared by the owner or the
28 owner's authorized agent.
29

30 (e) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.*
31 As part of the final inspection, the owner or owner's authorized agent shall submit to the
32 floodplain administrator a final certification of elevation of the lowest floor or final
33 documentation of the height of the lowest floor above the highest adjacent grade; such
34 certifications and documentations shall be prepared as specified in section 10-6(d) of this section.
35

36 ~~(f) *Manufactured homes.* The building official shall inspect manufactured homes that are~~
37 ~~installed or replaced in flood hazard areas to determine compliance with the requirements of this~~
38 ~~chapter and the conditions of the issued permit. Upon placement of a manufactured home,~~
39 ~~certification of the elevation of the lowest floor shall be submitted to the floodplain~~
40 ~~administrator.~~
41

42
43 **Sec. 10-7. - Variances and appeals**

1 ~~(a) General. The board of adjustment shall hear and decide on requests for appeals and requests~~
2 ~~for variances from the strict application of this chapter.~~ Pursuant to F.S. § 553.73(5), the board
3 of adjustment shall hear and decide on requests for appeals and requests for variances from the
4 strict application of the flood resistant construction requirements of the Florida Building Code.
5 This section does not apply to section 3109 of the Florida Building Code, Building.

6
7 (b) *Appeals.* The board of adjustment shall hear and decide appeals when it is alleged there is an
8 error in any requirement, decision, or determination made by the floodplain administrator in the
9 administration and enforcement of this chapter. Any person aggrieved by the decision may
10 appeal such decision as provided by general law.

11
12 (c) *Limitations on authority to grant variances.* The board of adjustment shall base its decisions
13 on variances on technical justifications submitted by applicants, the considerations for issuance
14 in subsection 10-7(g) of this section, the conditions of issuance set forth in subsection 10-7(h) of
15 this section, and the comments and recommendations of the floodplain administrator and the
16 building official. The board of adjustment has the right to attach such conditions as it deems
17 necessary to further the purposes and objectives of this chapter.

18
19 ~~(d) Restrictions in floodways. A variance shall not be issued for any proposed development in a~~
20 ~~floodway if any increase in base flood elevations would result, as evidenced by the applicable~~
21 ~~analyses and certifications required in subsection 10-5(c) of this section.~~

22
23 ~~(e) Historic buildings. A variance is authorized to be issued for the repair, improvement, or~~
24 ~~rehabilitation of a historic building that is determined eligible for the exception to the flood~~
25 ~~resistant construction requirements of the Florida Building Code, Existing Building, chapter 11~~
26 ~~Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation~~
27 ~~will not preclude the building's continued designation as a historic building and the variance is~~
28 ~~the minimum necessary to preserve the historic character and design of the building. If the~~
29 ~~proposed work precludes the building's continued designation as a historic building, a variance~~
30 ~~shall not be granted and the building and any repair, improvement, and rehabilitation shall be~~
31 ~~subject to the requirements of the Florida Building Code.~~

32
33 ~~(f) Functionally dependent uses.~~ A variance is authorized to be issued for the construction or
34 substantial improvement necessary for the conduct of a functionally dependent use, as defined in
35 this chapter, provided the variance meets the requirements of subsection 10-7(d), is the minimum
36 necessary considering the flood hazard, and all due consideration has been given to use of
37 methods and materials that minimize flood damage during occurrence of the base flood.

38
39 ~~(g)~~ *Considerations for issuance of variances.* In reviewing requests for variances, the board of
40 adjustment shall consider all technical evaluations, all relevant factors, all other applicable
41 provisions of the Florida Building Code, this chapter, and the following:

- 42
43 (1) The danger that materials and debris may be swept onto other lands resulting in

1 further injury or damage;

2
3 (2) The danger to life and property due to flooding or erosion damage;

4
5 (3) The susceptibility of the proposed development, including contents, to flood damage
6 and the effect of such damage on current and future owners;

7
8 (4) The importance of the services provided by the proposed development to the
9 ~~community~~ Town of Redington Beach;

10
11 (5) The availability of alternate locations for the proposed development that are subject to
12 lower risk of flooding or erosion;

13
14 (6) The compatibility of the proposed development with existing and anticipated
15 development;

16
17 (7) The relationship of the proposed development to the comprehensive plan and
18 floodplain management program for the area;

19
20 (8) The safety of access to the property in times of flooding for ordinary and emergency
21 vehicles;

22
23 (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport
24 of the floodwaters and the effects of wave action, if applicable, expected at the site; and

25
26 (10) The costs of providing governmental services during and after flood conditions
27 including maintenance and repair of public utilities and facilities such as sewer, gas,
28 electrical and water systems, streets and bridges.

29
30 (hg) *Conditions for issuance of variances.* Variances shall be issued only upon:

31
32 (1) Submission by the applicant, of a showing of good and sufficient cause that the
33 unique characteristics of the size, configuration, or topography of the site limit
34 compliance with any provision of this chapter or the required elevation standards;

35
36 (2) Determination by the board of adjustment that:

37 a. Failure to grant the variance would result in exceptional hardship due to the
38 physical characteristics of the land that render the lot undevelopable; increased
39 costs to satisfy the requirements or inconvenience do not constitute hardship;

40 b. The granting of a variance will not result in increased flood heights, additional
41 threats to public safety, extraordinary public expense, nor create nuisances, cause
42 fraud on or victimization of the public or conflict with existing local laws and
43 ordinances; and

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

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

(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 10-8. - Violations.

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

(b) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this chapter and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

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

ARTICLE II. - DEFINITIONS

Sec. 10-9. - General.

(a) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the

1 purposes of this chapter, have the meanings shown in this section.
2

3 (b) *Terms defined in the Florida Building Code.* Where terms are not defined in this chapter and
4 are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in
5 that code.
6

7 (c) *Terms not defined.* Where terms are not defined in this chapter or the Florida Building Code,
8 such terms shall have ordinarily accepted meanings such as the context implies.
9

10 11 **Sec. 10-10. - Definitions.**

12
13 *Alteration of a watercourse.* A dam, impoundment, channel relocation, change in channel
14 alignment, channelization, or change in cross-sectional area of the channel or the channel
15 capacity, or any other form of modification which may alter, impede, retard or change the
16 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.

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

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

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

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

Coastal construction control line. The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the ~~community~~ Town of Redington Beach, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V zones" and are designated on flood insurance rate maps (FIRM) as zone V1-V30, VE, or V.

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

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

(2) Area designated as a flood hazard area on the ~~community's~~ Town of Redington Beach'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~~ Town of Redington Beach'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~~

1 the flood hazard map. In areas designated as zone AO where the depth number is not specified on
2 the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B,
3 Section 202.]

4
5 *Development.* ~~Any man-made change to improved or unimproved real estate, including but not~~
6 ~~limited to, buildings or other structures, tanks, temporary structures, temporary or permanent~~
7 ~~storage of equipment or materials, mining, dredging, filling, grading, paving, excavations,~~
8 ~~drilling operations or any other land disturbing activities.~~ The carrying out of any building
9 activity or mining operation, the making of any material change in the use or appearance of any
10 structure or land, or the dividing of land into three or more parcels. The following activities or
11 uses shall be taken for the purposes of this chapter to involve “development,” as defined in this
12 section:

13
14 (1) A reconstruction, alteration of the size, or material change in the external appearance
15 of a structure on land.

16
17 (2) A change in the intensity of use of land, such as an increase in the number of dwelling
18 units in a structure or on land or a material increase in the number of businesses, offices,
19 or dwelling units in a structure or on land.

20
21 (3) Alteration of a shore or bank of a seacoast or canal, including any “coastal
22 construction” as defined in s. 161.021.

23
24 (4) Demolition of a structure.

25
26 (5) Clearing of land as an adjunct of construction.

27
28 (6) Deposit of fill on a parcel of land.

29
30 *Encroachment.* The placement of fill, excavation, buildings, permanent structures or other
31 development into a flood hazard area which may impede or alter the flow capacity of riverine
32 flood hazard areas.

33
34 *Engineer of record.* A licensed Florida professional engineer who is in responsible charge for
35 the preparation, signing, dating, sealing and issuing of any engineering document(s) for any
36 engineering service or creative work.

37
38 *Existing building and existing structure.* Any buildings and structures for which the “start of
39 construction” commenced before May 7, 1971. [Also defined in FBC, B, section 202.]

40
41 ~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for~~
42 ~~which the construction of facilities for servicing the lots on which the manufactured homes are to~~
43 ~~be affixed (including, at a minimum, the installation of utilities, the construction of streets, and~~

1 ~~either final site grading or the pouring of concrete pads) is completed before May 7, 1971.~~

2
3 ~~Expansion to an existing manufactured home park or subdivision. The preparation of additional~~
4 ~~sites by the construction of facilities for servicing the lots on which the manufactured homes are~~
5 ~~to be affixed (including the installation of utilities, the construction of streets, and either final site~~
6 ~~grading or the pouring of concrete pads).~~

7
8 *Federal Emergency Management Agency (FEMA).* The federal agency that, in addition to
9 carrying out other functions, administers the national flood insurance program.

10
11 *Flood or flooding.* A general and temporary condition of partial or complete inundation of
12 normally dry land from: [Also defined in FBC, B, Section 202.]

13
14 (1) The overflow of inland or tidal waters.

15
16 (2) The unusual and rapid accumulation or runoff of surface waters from any source.

17
18 *Flood damage-resistant materials.* Any construction material capable of withstanding direct and
19 prolonged contact with floodwaters without sustaining any damage that requires more than
20 cosmetic repair. [Also defined in FBC, B, Section 202.]

21
22 *Flood hazard area.* The greater of the following two areas: [Also defined in FBC, B, section
23 202.]

24
25 (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in
26 any year.

27
28 (2) The area designated as a flood hazard area on the ~~community's~~ Town of Redington
29 Beach's flood hazard map, or otherwise legally designated.

30
31 *Flood insurance rate map (FIRM).* The official map of the ~~community~~ Town of Redington
32 Beach on which the Federal Emergency Management Agency has delineated both special flood
33 hazard areas and the risk premium zones applicable to the ~~community~~ Town of Redington Beach.
34 [Also defined in FBC, B, Section 202.]

35
36 *Flood insurance study (FIS).* The official report provided by the Federal Emergency
37 Management Agency that contains the flood insurance rate map, the flood boundary ~~and~~
38 ~~floodway map (if applicable),~~ the water surface elevations of the base flood, and supporting
39 technical data. [Also defined in FBC, B, Section 202.]

40
41 *Floodplain administrator.* The officer or position designated and charged with the
42 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 Town of Redington Beach, 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.

~~*Floodway.* The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 202.]~~

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

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

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

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

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

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

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

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

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

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

~~Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:~~

~~———— (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or~~

~~———— (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or~~

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

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, ~~other than a basement, usable solely for vehicle parking, building access or limited storage~~ provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, section 202.]

~~*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 market value of

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

New construction. For the purposes of administration of this 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.~~

North American Vertical Datum of 1988 (NAVD 88). The vertical control datum of orthometric height established for vertical control surveying in the United States of America and in Canada based upon the General Adjustment of the North American Datum of 1988.

~~*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 one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-A30, AE, A99, AH, V1-V30. VE or V. [Also defined in FBC, B section 202.]

Start of construction. The date of issuance of permits for new construction and substantial

improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B section 202.]

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

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

~~(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure. [See instructions and notes]~~

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.~~

ARTICLE III. - FLOOD RESISTANT DEVELOPMENT

1 **Sec. 10-11. - Buildings and structures.**

2
3 (a) *Design and construction of buildings, structures and facilities exempt from the Florida*
4 *Building Code.* Pursuant to subsection 10-4(c) of this chapter, buildings, structures, and facilities
5 that are exempt from the Florida Building Code, including substantial improvement or repair of
6 substantial damage of such buildings, structures and facilities, shall be designed and constructed
7 in accordance with the flood load and flood resistant construction requirements of ASCE 24.

8
9 Structures exempt from the Florida Building Code that are not walled and roofed
10 buildings shall comply with the requirements of section 10-17. of this chapter.

11
12 (b) *Buildings and structures seaward of the coastal construction control line.* If extending, in
13 whole or in part, seaward of the coastal construction control line and also located, in whole or in
14 part, in a flood hazard area:

15
16 (1) Buildings and structures shall be designed and constructed to comply with the more
17 restrictive applicable requirements of the Florida Building Code, building section 3109
18 and section 1612 or Florida Building Code, Residential Section R322.

19
20 (2) Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall
21 be designed and constructed to comply with the intent and applicable provisions of this
22 chapter and ASCE 24.

23
24
25 **Sec. 10-12. - Subdivisions.**

26
27 (a) Minimum requirements. Subdivision proposals, ~~including proposals for manufactured home~~
28 ~~parks and subdivisions~~, shall be reviewed to determine that:

29
30 (1) Such proposals are consistent with the need to minimize flood damage and will be
31 reasonably safe from flooding;

32
33 (2) All public utilities and facilities such as sewer, gas, electric, communications, and
34 water systems are located and constructed to minimize or eliminate flood damage; and

35
36 (3) Adequate drainage is provided to reduce exposure to flood hazards; ~~in zones AII and~~
37 ~~AO, adequate drainage paths shall be provided to guide floodwaters around and away~~
38 ~~from proposed structures.~~

39
40 (b) *Subdivision plats.* Where any portion of proposed subdivisions, ~~including manufactured home~~
41 ~~parks and subdivisions~~, lies within a flood hazard area, the following shall be required:

42
43 (1) Delineation of flood hazard areas, ~~floodway boundaries~~ and flood zones, and design

1 flood elevations, as appropriate, shall be shown on preliminary plats;

2
3 ~~(2) Where the subdivision has more than 50 lots or is larger than five acres and base flood~~
4 ~~elevations are not included on the FIRM, the base flood elevations determined in~~
5 ~~accordance with subsection 10-5(b)(1) of this chapter, and~~
6

7 (3) Compliance with the site improvement and utilities requirements of section 10-13. of
8 this chapter.
9

10
11 **Sec. 10-13. - Site improvements, utilities and limitations.**
12

13 (a) *Minimum requirements.* All proposed new development shall be reviewed to determine that:
14

15 (1) Such proposals are consistent with the need to minimize flood damage and will be
16 reasonably safe from flooding;
17

18 (2) All public utilities and facilities such as sewer, gas, electric, communications, and
19 water systems are located and constructed to minimize or eliminate flood damage; and
20

21 (3) Adequate drainage is provided to reduce exposure to flood hazards; ~~in zones AH and~~
22 ~~AO, adequate drainage paths shall be provided to guide floodwaters around and away~~
23 ~~from proposed structures.~~
24

25 (b) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, ~~private~~
26 ~~sewage treatment plants (including all pumping stations and collector systems), and on-site waste~~
27 ~~disposal systems shall be designed in accordance with the standards for onsite sewage treatment~~
28 ~~and disposal systems in chapter 64E-6, F.A.C. and ASCE 24 chapter 7 to minimize or eliminate~~
29 ~~infiltration of floodwaters into the facilities and discharge from the facilities into flood waters,~~
30 ~~and impairment of the facilities and systems.~~
31

32 (c) ~~*Water supply facilities.* All new and replacement water supply facilities shall be designed in~~
33 ~~accordance with the water well construction standards in chapter 62-532.500, F.A.C. and ASCE~~
34 ~~24 chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.~~
35

36 (d) ~~Limitations on sites in regulatory floodways. No development, including but not limited to~~
37 ~~site improvements, and land disturbing activity involving fill or regrading, shall be authorized in~~
38 ~~the regulatory floodway unless the floodway encroachment analysis required in subsection~~
39 ~~10-5(c)(1) of this chapter demonstrates that the proposed development or land disturbing activity~~
40 ~~will not result in any increase in the base flood elevation.~~
41

42 (e) ~~*Limitations on placement of fill.* Subject to the limitations of this chapter, fill shall be~~
43 ~~designed to be stable under conditions of flooding including rapid rise and rapid drawdown of~~

1 floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In
2 addition to these requirements. if intended to support buildings and structures (zone A only), fill
3 shall comply with the requirements of the Florida Building Code.

4
5 (fd) Limitations on sites in coastal high hazard areas (zone V). In coastal high hazard areas,
6 alteration of sand dunes and mangrove stands shall be permitted only if such alteration is
7 approved by the state department of environmental protection and only if the engineering
8 analysis required by subsection 10-5(c)(4) of this chapter demonstrates that the proposed
9 alteration will not increase the potential for flood damage. Construction or restoration of dunes
10 under or around elevated buildings and structures shall comply with subsection 10-17(h)(3) of
11 this chapter.

12 13 14 **~~Sec. 10-14. -- Manufactured homes.~~**

15
16 ~~(a) General. All manufactured homes installed in flood hazard areas shall be installed by an~~
17 ~~installer that is licensed pursuant to F.S. § 320.1049, and shall comply with the requirements of~~
18 ~~chapter 15C-1, F.A.C. and the requirements of this chapter. If located seaward of the coastal~~
19 ~~construction control line, all manufactured homes shall comply with the more restrictive of the~~
20 ~~applicable requirements.~~

21
22 ~~(b) Foundations. All new manufactured homes and replacement manufactured homes installed in~~
23 ~~flood hazard areas shall be installed on permanent, reinforced foundations that:~~

24
25 ~~—— (1) In flood hazard areas (zone A) other than coastal high hazard areas, are designed in~~
26 ~~accordance with the foundation requirements of the Florida Building Code, Residential~~
27 ~~Section R322.2 and this chapter. Foundations for manufactured homes subject to~~
28 ~~subsection 10-14(f) are permitted to be reinforced piers or other foundation elements of at~~
29 ~~least equivalent strength.~~

30
31 ~~—— (2) In coastal high hazard areas (zone V), are designed in accordance with the foundation~~
32 ~~requirements of the Florida Building Code, Residential Section R322.3 and this chapter.~~

33
34 ~~(c) Anchoring. All new manufactured homes and replacement manufactured homes shall be~~
35 ~~installed using methods and practices which minimize flood damage and shall be securely~~
36 ~~anchored to an adequately anchored foundation system to resist flotation, collapse or lateral~~
37 ~~movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties~~
38 ~~to ground anchors. This anchoring requirement is in addition to applicable state and local~~
39 ~~anchoring requirements for wind resistance.~~

40
41 ~~(d) Elevation. Manufactured homes that are placed, replaced, or substantially improved shall~~
42 ~~comply with subsection 10-14(c) or 10-14(f) of this section, as applicable.~~

1 ~~(e) General elevation requirement. Unless subject to the requirements of subsection 10-14(f) of~~
2 ~~this section, all manufactured homes that are placed, replaced, or substantially improved on sites~~
3 ~~located:~~

4
5 ~~—— (1) Outside of a manufactured home park or subdivision;~~

6
7 ~~—— (2) In a new manufactured home park or subdivision;~~

8
9 ~~—— (3) In an expansion to an existing manufactured home park or subdivision; or~~

10
11 ~~—— (4) In an existing manufactured home park or subdivision upon which a manufactured~~
12 ~~home has incurred “substantial damage” as the result of a flood, shall be elevated such~~
13 ~~that the bottom of the frame is at or above the elevation required, as applicable to the~~
14 ~~flood hazard area, in the Florida Building Code, Residential Section R322.2 (zone A) or~~
15 ~~section R322.3 (zone V).~~

16
17 ~~(f) Elevation requirement for certain existing manufactured home parks and subdivisions.~~
18 ~~Manufactured homes that are not subject to subsection 10-14(e) of this section, including~~
19 ~~manufactured homes that are placed, replaced, or substantially improved on sites located in an~~
20 ~~existing manufactured home park or subdivision, unless on a site where substantial damage as~~
21 ~~result of flooding has occurred, shall be elevated such that either the:~~

22
23 ~~—— (1) Bottom of the frame of the manufactured home is at or above the elevation required;~~
24 ~~as applicable to the flood hazard area, in the Florida Building Code, Residential Section~~
25 ~~R322.2 (zone A) or section R322.3 (zone V); or~~

26
27 ~~—— (2) Bottom of the frame is supported by reinforced piers or other foundation elements of~~
28 ~~at least equivalent strength that are not less than 36 inches in height above grade.~~

29
30 ~~(g) Enclosures. Enclosed areas below elevated manufactured homes shall comply with the~~
31 ~~requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such~~
32 ~~enclosed areas, as applicable to the flood hazard area.~~

33
34 ~~(h) Utility equipment. Utility equipment that serves manufactured homes, including electric,~~
35 ~~heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall~~
36 ~~comply with the requirements of the Florida Building Code, Residential Section R322, as~~
37 ~~applicable to the flood hazard area.~~

38
39
40 ~~Sec. 10-15. -- Recreational vehicles and park trailers.~~

41
42 ~~(a) Temporary placement. Recreational vehicles and park trailers placed temporarily in flood~~
43 ~~hazard areas shall:~~

~~(1) Be on the site for fewer than 180 consecutive days; or~~

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

~~(b) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection 10-15(a) of this section for temporary placement shall meet the requirements of section 10-14 of this chapter for manufactured homes.~~

Sec. 10-16. - Tanks.

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

(b) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection 10-16(c) of this section shall:

(1) Be permitted in flood hazard areas (zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(2) Not be permitted in coastal high hazard areas (zone V).

(c) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood.

Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

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

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

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

Sec. 10-17. - Other development.

(a) *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this chapter or the Florida Building Code, shall:

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

(2) ~~Meet the limitations of subsection 10-13(d) of this chapter if located in a regulated floodway;~~

~~(3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;~~

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

(5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

~~(b) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of subsection 10-13(d) of this chapter.~~

~~(c) *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of subsection 10-13(d) of this chapter.~~

~~(d) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of subsection 10-13(d) of this chapter. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 10-5(c)(3) of this chapter.~~

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

the concrete slabs are designed and constructed to be:

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

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

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

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

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.~~

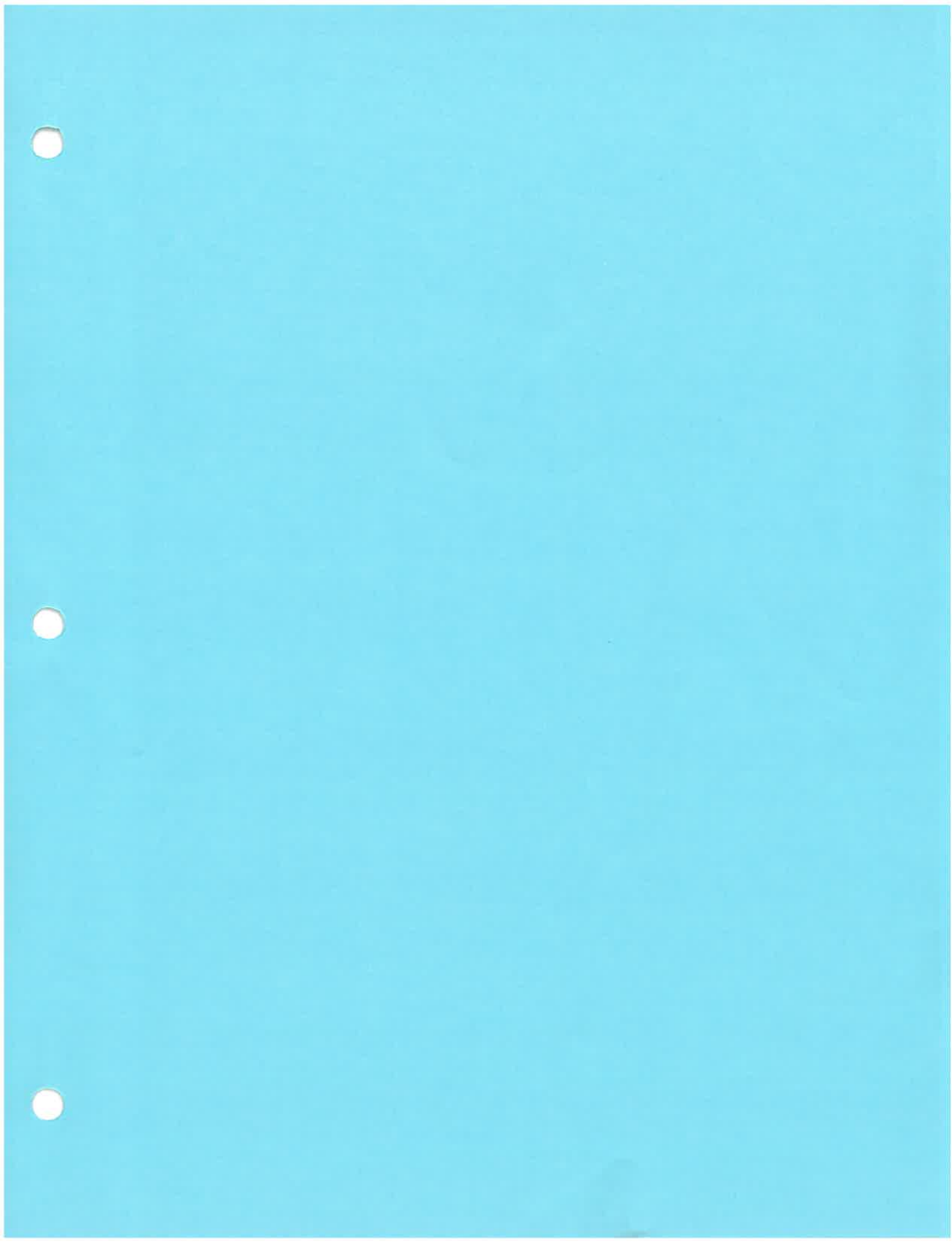
(hf) Nonstructural fill in coastal high hazard areas (zone V). In coastal high hazard areas:

(1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

(2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runoff 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 runoff 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.

RBMcL/m
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FLORIDA MUNICIPAL SERVICES
c/o 17425 Gulf Blvd.
Redington Shores, FL 33708
(727) 202-6825

January 18, 2021

Meeting Date: January 19, 2021
Agenda Item 9 b
Continued Advertised Public Hearing

MEMORANDUM

TO: Redington Beach Planning Board

FROM: R. Bruce McLaughlin, AICP, MCIP, Town Planner

SUBJECT: Proposed Ordinance 2020-10, Fire Code Amendment

EXECUTIVE SUMMARY

The Town's Fire Prevention and Protection Code is being rewritten as part of the overall rewrite of the Town Code. Ordinance 2020-10 adopts the *Florida Fire Prevention Code* which regulates aspects of building construction and is thus a land development regulation. Ordinance 2020-10, as proposed, is consistent with the Town's Comprehensive Plan and advances significant governmental interests. **STAFF RECOMMENDS THAT THE BOARD FIND ORDINANCE 2020-10 CONSISTENT WITH THE COMPREHENSIVE PLAN AND RECOMMEND ITS APPROVAL.**

BACKGROUND

Applicant	Town of Redington Beach
Affected Area	Entire Town

January 18, 2021

Ordinance 2020-10 adopting the current Florida Fire Prevention Code is a land development regulation:

(26) “Land development regulations” means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, **building construction**, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213. [Emphasis Added]

Section 162.3164(26), F.S.

In turn, “development” is defined:

(1) **The term “development” means the carrying out of any building activity** or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. [Emphasis Added]

Section 380.04(1), F.S.

Accordingly, Ordinance 2020-10 requires review by the Planning Board/Local Planning Agency to ensure its consistency with the Town’s Comprehensive Plan and for a recommendation.

Ordinance 2020-10 was advertised for a December 8, 2020 public hearing and was continued from that public hearing to the date and time certain of January 19, 2021 at 7.00 pm. In the interim, Staff were authorized to meet with the Madeira Beach and Seminole Fire Chiefs to discuss the substance of the Town’s Fire Code and whether the Town wishes to adopt any local amendments to the Florida Fire Prevention Code. The draft ordinance before the Planning Board reflects the comments of the Madeira Beach and Seminole Fire Chiefs and Fire Marshals.

THE REQUEST

That the Planning Board review proposed Ordinance 2020-10, find the Ordinance consistent with the Town’s Comprehensive Plan and recommend it to the Town Board for approval.

January 18, 2021

NOTICE

The Clerk's office will advise as to the notice given of this advertised public hearing.

AUTHORITY

Pursuant to §§ 4 and 5 of the Town Charter, the Town is governed by the Board of Commissioners which may exercise all powers available to a municipality under the Constitution and laws of the State of Florida. Those powers include preparing and adopting (via § 15-56 of the Town Code), a comprehensive plan for the Town and related land development and other, related, regulations.

The proposed amendment to the Town's Fire Prevention Code is an amendment to a land development regulation as defined by § 163.3164(26), F.S. Accordingly, § 163.3174(2)(c) and Town Code § 15-34 require this Board to review the subject ordinance and make a determination of its consistency with the Town's Comprehensive Plan. The Board should also make a recommendation as to the adoption of Ordinance 2020-10.

ANALYSIS

Comprehensive Plan Consistency

Ordinance 2020-10 is consistent with Intergovernmental Coordination Element (ICE) Objective 1.2:

The Town shall continue to improve communication, cooperation, and coordination with area local governments, districts, and agencies.

Since both the Cities of Madeira Beach and Seminole are contract providers to the Town of fire and rescue services, the present coordination reflected in the current draft of the Ordinance and the future coordination required by new code section 9.9, implement ICE Objective 1.2.

Accordingly, to the limited extent that there are relevant Comprehensive Plan policies, proposed Ordinance 2020-10 is consistent with the Town's Comprehensive Plan.

January 18, 2021

Policy Considerations

The proposed ordinance also:

- Formally adopts the *Florida Fire Prevention Code*;
- Standardizes the violation provisions;
- Prohibits interference with firefighting activities;
- Prohibits the use of fireworks but not sparklers as both are defined by state law;
- Prohibits the storage of explosives;
- Regulates the use of portable heaters;
- Provides for the correction of violations; and
- Requires ongoing coordination with the contract fire departments.

All of which advance the legitimate public purposes of the Fire Prevention and Protection Code.

RECOMMENDATION

**THAT THE REDINGTON BEACH PLANNING BOARD FIND ORDINANCE 2020-10
TO BE CONSISTENT WITH THE TOWN COMPREHENSIVE PLAN AND
RECOMMEND THAT THE TOWN BOARD ADOPT THE ORDINANCE.**

ORDINANCE NO. 2020 - 10

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA, AMENDING CHAPTER 9 (FIRE PREVENTION AND PROTECTION) OF THE TOWN CODE TO REMOVE OUTDATED, PREEMPTED OR UNENFORCEABLE PROVISIONS AND TO INCORPORATE CURRENT STATE AND FEDERAL LAW REQUIREMENTS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Redington Beach (the Town) has codified its ordinances over time into a Town Code (the Code) which sets forth the cumulative law of the Town; and

WHEREAS, the Town Board of Commissioners (the Commission) regularly adopts ordinances amending the Code; and

WHEREAS, however, many portions of the Code date back to 1980, with other portions of the Code not having been updated for ten or more years; and

WHEREAS, part of the Commission's duties include the necessity to ensure that the Town's ordinances, as codified in the Code, are up to date, reflect current Florida and federal statutory and case law, that they reflect current actual Town operations, and that they do not contain outdated, redundant or erroneous provisions; and

WHEREAS, in light of the foregoing, the Commission has charged the Town Attorney with the task of conducting a complete review of the Town's Code (excluding the Land Development Code) and to bring forward any recommended revisions to the Code which would alleviate any of the aforementioned potential concerns with the Code's current text; and

WHEREAS, the Town Attorney has submitted his assessment of Chapter 9 of the Code concerning fire prevention and protection, and has recommended that the Commission make the revisions to that Chapter as are set forth in this Ordinance; and

WHEREAS, the Commission has considered the Town Attorney's recommendations and finds them to be consistent with the goals of the Commission; and

WHEREAS, this Ordinance has been reviewed by the Redington Beach Planning Board acting as the Local Planning Agency and been found to be consistent with the Town's Comprehensive Plan and recommended for approval; and

WHEREAS, the Commission therefore finds that it is in the best interests of the Town, and its citizens, property owners and businesses to adopt this Ordinance.

1 **NOW, THEREFORE BE IT ORDAINED** by the Board of Commissioners of the Town
2 of Redington Beach, Florida, that:

3
4 **Section 1.** Chapter 9 (Fire Prevention and Protection) of the Redington Beach Town
5 Code is hereby amended to read as follows:

6
7 **Chapter 9 - FIRE PREVENTION AND PROTECTION**

8
9
10 **Sec. 9-1. - Fire code adopted; violations; interference with firefighters.**

11
12 (a) The Florida Fire Prevention Code, ~~current and subsequent versions as periodically~~
13 promulgated by the state fire marshal pursuant to Florida Statutes § 633.202, ~~is adopted; which~~
14 ~~inclusives of the~~ Standards of the National Fire Protection Association, NFPA 1, the Fire
15 Prevention Code, and NFPA 101, the Life Safety Code, and Amendment to NFPA 1:50.7.2
16 (effective November 11th 2018) are adopted. The Florida Fire Prevention Code and its adopted
17 standards, and codes, and references shall be maintained on file with the town clerk for review by
18 any interested person or company.

19
20 (b) It shall be unlawful to violate or fail to comply with any provision of or order issued pursuant
21 to the fire prevention code, and on conviction any such violator shall be punished as provided in
22 section 1-14 and article III of chapter 2 of this code. This chapter is an exercise of the police
23 powers of the City for the preservation and protection of the public health, peace, safety and
24 welfare, and all the provisions of this article shall be liberally construed for that purpose.

25
26 (c) It shall be unlawful for any person to interfere or attempt to interfere with or hinder in
27 any way the town's fire department, or any member thereof, while engaged in extinguishing a
28 fire, or to refuse or neglect to obey any lawful order of any fire department incident commander
29 or of the town's fire marshal, while such officials are in the performance of their duties.

30
31 (d) This chapter applies to both public and private property, and applies to all structures and
32 vessels and their occupancies, except as otherwise specified.

33
34
35 **Sec. 9-2. - Fire and rescue services.**

36
37 (a) The board of commissioners may, by interlocal agreement ~~at any regular or special meeting,~~
38 contract with municipalities or districts for the provision of fire or rescue services to the town.

39
40 (b) The board of commissioners may appoint the contracting fire service(s) to act as the town's
41 fire official/~~fire marshal~~, subject to whatever authority and limitations the board of
42 commissioners may provide for by ordinance or interlocal agreement ~~decide.~~ Unless otherwise

1 so limited, the authority of the town's Fire Marshal shall be consistent with the authority set forth
2 in the State fire prevention code and any other applicable provisions of state law and this code.
3
4

5 **Sec. 9-3. - Fireworks permit.**
6

7 ~~_____ (a) The following shall apply to the outdoor, supervised public display of fireworks and~~
8 ~~shall not apply to the display of consumer fireworks. The outdoor display and use of fireworks~~
9 ~~shall be governed by the National Fire Protection Association (NFPA) 1123, as the same may be~~
10 ~~amended from time to time.~~
11

12 ~~_____ (b) An application shall be required for the outdoor, supervised public display of~~
13 ~~fireworks within the Town of Redington Beach. An application for permit to operate a display of~~
14 ~~outdoor fireworks shall be made in writing no later than 15 days prior to the desired date of the~~
15 ~~fireworks display, and the [application] shall contain the following information:~~
16

17 ~~_____ (1) The name, address, email address, and phone number of the individual, group, or~~
18 ~~organization sponsoring the outdoor fireworks display.~~

19 ~~_____ (2) The name, address, email address, and phone number of the supplier of the~~
20 ~~fireworks, if different from that of the operator.~~

21 ~~_____ (3) Evidence of financial responsibility by the sponsor of the event or festival and by~~
22 ~~the operation of the fireworks display in the form of an insurance certificate~~
23 ~~attesting to coverage or responsibility at a minimum of \$1,000,000.00.~~

24 ~~_____ (4) The date and time of day at which the outdoor fireworks display is to be held, with~~
25 ~~a proposed rain/wind date and time in the event the display is postponed.~~

26 ~~_____ (5) The exact location planned for the outdoor fireworks display.~~

27 ~~_____ (6) Confirmation of the license of the operator and the number of assistants who are~~
28 ~~to be present.~~

29 ~~_____ (7) The approximate number and kinds of fireworks to be discharged.~~

30 ~~_____ (8) The manner and place of storage of such fireworks prior to delivery to the outdoor~~
31 ~~fireworks display site.~~

32 ~~_____ (9) A diagram of the grounds on which the outdoor fireworks display is to be held~~
33 ~~showing the point at which the fireworks are to be discharged; the location of all~~
34 ~~buildings, highways, and other lines of communication; the lines behind which the~~
35 ~~audience is to be restrained; and the location of other possible overhead~~
36 ~~obstructions.~~
37

38 ~~_____ (c) The application shall require the approval of the Pinellas County Sheriff or his/her~~
39 ~~designee, and the City of Madeira Fire Chief or his/her designee.~~
40

41 It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, use or
42 explode any fireworks as defined by the laws of the state within the Town, except by special

1 permission of the Town Board of Commissioners.

2
3
4 **Sec. 9-4. Storage of explosives.**

5
6 No person shall keep or store within the town any gunpowder, blasting powder, dynamite,
7 nitroglycerine or other high explosives

8
9
10 **Sec. 9-6. Portable heaters.**

11
12 It shall be unlawful to possess, offer for sale, keep, or store any portable, nonvential (not
13 connected to a flue) heating device, fueled by flammable or combustible vapor, except that listed
14 heaters, bearing appropriate symbols and labeling from UL, FM or other recognized testing
15 laboratory, construction heaters, and agricultural heaters may be allowed by the Fire Marshal for
16 temporary use in conditions where operations are to be conducted in an open and freely
17 circulating air environment.

18
19
20 **Sec. 9-7. Orders to correct conditions.**

21
22 (a) Whenever the Fire Marshal, within his jurisdiction over multi-family and non-residential
23 properties, shall find combustible or explosive matter or dangerous accumulations of rubbish or
24 unnecessary accumulation of waste paper, boxes, shaving or any highly flammable materials
25 especially liable to fire, or hazardous substances in quantity, type or combination which is
26 situated as to endanger life or property; or shall find obstructions to or on fire escapes, stairs,
27 passageways, doors, or windows, liable to interfere with the operations of the fire department or
28 egress of the occupants in case of fire, or any other condition which would endanger life or
29 property, the Fire Marshal shall order the same to be removed or remedied immediately, and such
30 order shall be complied with by the owner or occupant of such premises or buildings.

31
32 (b) Failure to comply; penalties. Any owner or occupant failing to comply with such order
33 shall be in violation of this chapter.

34
35
36 **Sec. 9-8. Service of orders to correct.**

37
38 (a) The service of an order may be made upon the owner, occupant or other person
39 responsible for the conditions, either by delivering a copy of same personally or by delivering the
40 same to and leaving it with any person in charge of the premises, or in case no such person is
41 found upon the premises, in accordance with the policies and practices of the contracting
42 department.

(b) If buildings or other premises are owned by one person and occupied by another, the orders shall apply to both the owner and the occupant.

(c) Where conditions warrant, service of orders may be affected upon any or all parties that may have interest in a noncomplying structure or property.

Sec. 9-9. Periodic review and recommendation for amendments.

The Fire Chief and Fire Marshal of the town's contracted fire department(s) shall periodically review this chapter and may recommend any amendments to the chapter as those officials may deem necessary or otherwise in the town's best interests.

Section 2. For purposes of codification of any existing section of the Redington Beach Code herein amended, words underlined represent additions to original text, words stricken are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. The Codifier shall codify the substantive amendments to the Redington Beach Town Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 5. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the ____ day of _____, 2021, by the Board of Commissioners of the Town of Redington Beach, Florida.

ADOPTED ON SECOND AND FINAL READING on the ____ day of _____, 2021, by the Board of Commissioners of the Town of Redington Beach, Florida.

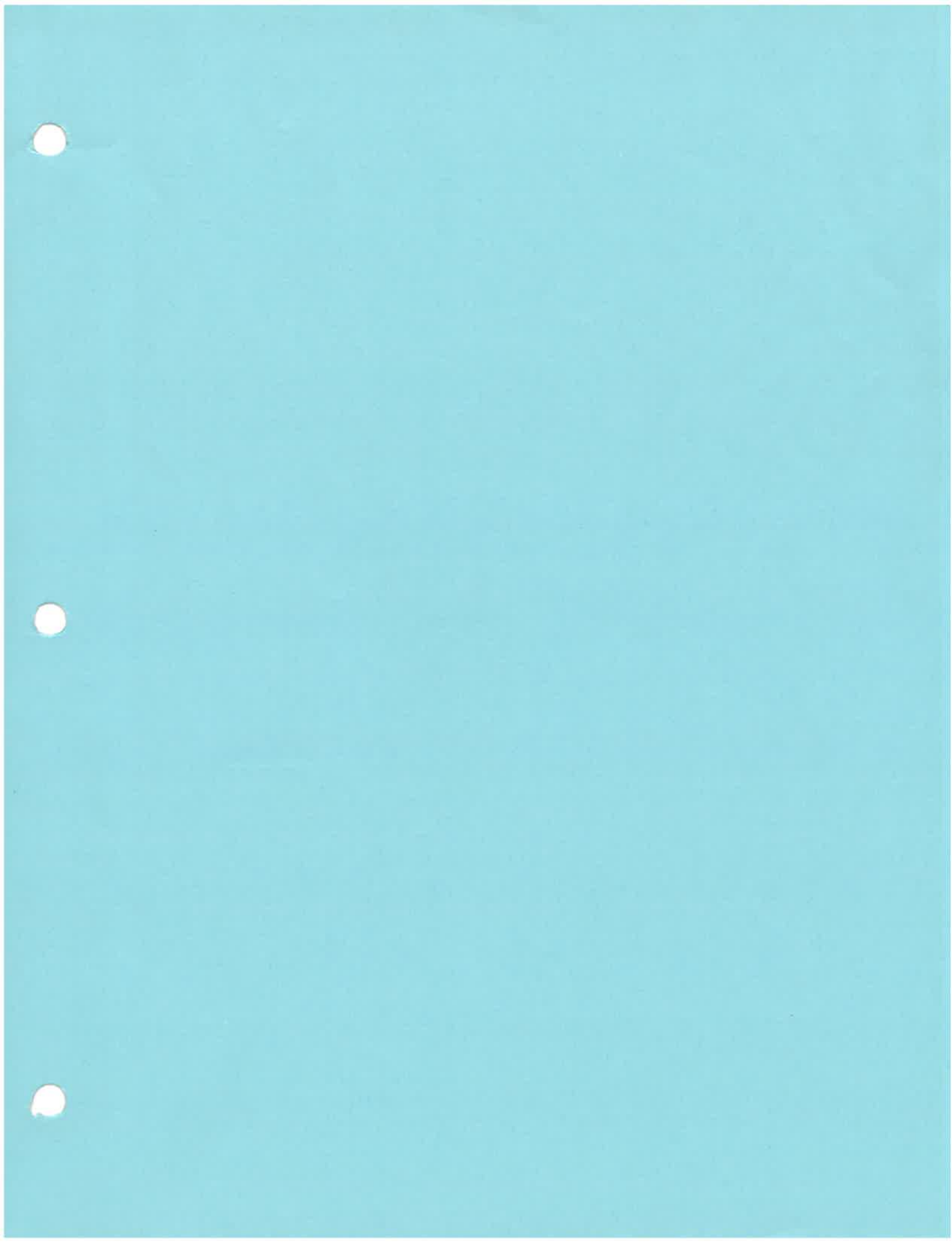
James Simons, Mayor
Attest:

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9
10

Missy Clarke, CMC, Town Clerk

Approved as to form:

Jay Daigneault, Town Attorney



BRUCE McLAUGHLIN CONSULTING SERVICES, INC.

900 Gulf Boulevard, Suite 303
Indian Rocks Beach, Florida 33785
Phone: 727/595-7634 Cell: 727/244-7311
Email BruceSandy@aol.com

January 18, 2021

RB

MEMORANDUM

TO: Redington Beach Planning Board

FROM: R. Bruce McLaughlin, AICP, MCIP, Town Planner

SUBJECT: Ordinance 2021-01, Dock Code Amendment

EXECUTIVE SUMMARY

After extensive discussion and public participation, the Town adopted a new dock code in January, 2019. Subsequently, some public opposition arose to the new code's requirement that the entire dock facility be contained within the center 1/3 of the lot. The Town Board voted to re-examine this provision. Based on the review below, Staff finds the subject provision consistent with other dock codes on the Pinellas County barrier islands, consistent with the Town's Comprehensive Plan and supported by sound planning principles. **STAFF RECOMMENDS THAT THE BOARD FIND ORDINANCE 2021-01 INCONSISTENT WITH THE COMPREHENSIVE PLAN AND RECOMMEND IT NOT BE APPROVED.**

BACKGROUND

Applicant	Town of Redington Beach
Affected Area	All waterfront lots on Boca Ciega Bay

THE REQUEST

That the Planning Board review proposed Ordinance 2021-01, make a determination of consistency or inconsistency with the Comprehensive Plan and make a recommendation to the Town Board for approval or disapproval of the Ordinance.

NOTICE

The Clerk's office will advise as to the notice given of this advertised public hearing.

January 18, 2021

AUTHORITY

Pursuant to §§ 4 and 5 of the Town Charter, the Town is governed by the Board of Commissioners which may exercise all powers available to a municipality under the Constitution and laws of the State of Florida. Those powers include preparing and adopting (via § 15-56 of the Town Code), a comprehensive plan for the Town and related land development and other, related, regulations.

The proposed amendment to the Town's Dock Code would be an amendment to a land development regulation as defined by § 163.3164(26), F.S. Accordingly, § 163.3174(2)(c) and Town Code § 15-34 require this Board to review the subject ordinance and make a determination of its consistency with the Town's Comprehensive Plan. The Board should also make a recommendation as to the adoption of Ordinance 2021-01.

ANALYSIS

Comprehensive Plan Consistency

Proposed Ordinance 2021-01 is arguably inconsistent with the following Comprehensive Plan policies in the Future Land Use Element (FLUE):

Policy 1.1.4

The Town shall continue to implement performance standards, such as buffering and open space requirements, within the land development regulations, as appropriate.

FLUE Policy 1.1.4

Ordinance 2021-01 would reduce the buffer between view-blocking dock facilities and the attached boats and neighboring properties.

Protect marine wetlands remaining in and around the community and those lands designated as Preservation on the Future Land Use and Transportation Map;

FLUE Policy 3.1.4 (2)

A larger footprint for a dock facility will not protect the Town's marine wetlands.

January 18, 2021

More critical are the apparent inconsistencies with the Conservation and Coastal Management (CCME) and Recreation and Open Space (ROSE) Elements of the Comprehensive Plan:

To ensure the highest environmental quality possible, the Town of Redington Beach shall conserve, protect and appropriately manage its natural resources (aquatic, wetland, and terrestrial).

CCME Goal 1

The Town shall conserve or improve wetlands, aquatic resources, and wildlife population and habitat to maintain their environmental and recreational value.

CCME Objective 1.3

Again, a larger footprint for a dock facility will not protect, and may damage, the natural resources along the Boca Ciega Bay shoreline.

Development activities shall ensure the protection of natural resources.

CCME Objective 1.5

The Town shall limit shoreline development that will adversely impact marine fisheries habitats.

CCME Policy 1.10.8

The smaller footprint for a dock facility accomplishes these policies.

The Town shall develop innovative techniques aimed at preserving the access to and view of the beach and other recreational facilities by all residents of and visitors to this community.

ROSE Policy 1.6.1

January 18, 2021

Allowing a broader dock footprint would be inconsistent with this policy, particularly with respect to the view-blocking potential of a larger dock facility footprint. It must be remembered that the issue is not just the dock facility, but the larger boats that said facility will facilitate.

Accordingly, Ordinance 2021-01 is inconsistent with the Town's Comprehensive Plan.

Other Codes

Attached is a summary of the other dock codes on the Pinellas County barrier islands. This summary focuses on the center 1/3 issue. The complete codes are available from Staff or may be accessed at www.municode.com.

Although the attached summary shows that Redington Beach's dock code is entirely consistent with the dock codes of the other Beach communities (except for the waiver provisions), it is important to remember that the test should be "what is best for Redington Beach?" not what is best for another community. Given the effort that went into the preparation of the current code (Ordinance 2018-02), Staff would respectfully suggest that the standards established by Ordinance 2018-02 are appropriate.

With respect to the "neighbor waiver" reflected in some codes reported on the attachment, such an approach is arguably an improper delegation of the Town's authority. Another key problem with the "neighbor waiver" is that the waiver could easily be withheld, not on the merits of a dock proposal, but based on other issues between the owners.

Likewise, the standardless delegation of waiver authority to the Building Official is, at best, problematic, and may well be illegal. It is also an authority that most Building Officials would decline to exercise.

In contrast, the variance process now available to a dock permit applicant in the Town provides firm guidelines and due process when a variance from the current code is warranted.

RECOMMENDATION

Based on the foregoing analysis, **STAFF RECOMMENDS THAT THE PLANNING BOARD FIND ORDINANCE 2021-01 INCONSISTENT WITH THE COMPREHENSIVE PLAN AND RECOMMEND IT NOT BE ADOPTED.**

**PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY**

	Redington Beach	Clearwater
Length	30 feet	½ width of the property
Size	500 s.f.	

Center 1/3

The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts.

All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.

a. **Setbacks.** A dock shall be located in the center one-third of the lot or 20 feet from any property line as extended into the water, whichever is less, unless the dock is proposed to be shared by adjoining properties whereupon the dock may be constructed on the common property line provided that all other standards of this division are met. Boatlifts and service catwalks shall be a minimum of ten feet from any property line extended into the water. Tie poles shall be setback a minimum of one foot from any extended property line. Single pile davits and personal watercraft lifts are exempt from these setback requirements provided they are contained entirely within the extended property lines.

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY

Redington Beach

Belleair Beach

Length 30 feet

Size 500 s.f.

Center 1/3

The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts.

All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.

12' from property line

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY

	Redington Beach	Indian Rocks Beach
Length	30 feet	50 feet
Size	500 s.f.	400 s.f./500 s.f.
Center 1/3		
	The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts. All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.	One dock per single-family property is permitted. Two slips with or without boat lifts are allowed. The maximum allowable dock facility shall be within a 50-foot length from the seawall and 35-foot width envelope. The slips, boats, boat lift, dock, catwalks, lower landings, tie-poles and personal watercraft lift shall be kept within the envelope. The total amount of decking including dock and catwalks shall not be greater than 400 square feet for docks up to 35 feet from the seawall. For docks that exceed 35 feet and no greater than 50 feet in length, the total amount of decking including dock and catwalks may be increased to 500 square feet. No portion of the slips, boats, boat lift, dock, catwalks, lower landings, tie-poles and personal watercraft lift shall be any closer than 12 feet to the side property line as extended into the water unless the facility is a shared property line dock or a dock on an inverse curve lot.

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY

	Redington Beach	Indian Shores
Length	30 feet	Pinellas County Water & Navigation Rules
Size	500 s.f.	Pinellas County Water & Navigation Rules
Center 1/3		
	The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts. All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.	Pinellas County Water & Navigation Rules

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY

	Redington Beach	Redington Shores
Length	30 feet	½ width of property subject to waiver
Size	500 s.f.	
Center 1/3		
	The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts. All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.	Private docks, boat lifts and davits must be constructed within the center one-third of the applicant's waterfront property or 50 feet from the adjacent property, whichever is less restrictive. This requirement may be waived by the building commissioner, provided that signed statements of no objection from the property owner encroached upon have been submitted, or the building commissioner may refer the matter to the board of commissioners for decision.

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY

	Redington Beach	North Redington Beach
Length	30 feet	36 feet
Size	500 s.f.	
Center 1/3		
	The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts. All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.	Center 1/3; tie poles permitted outside the required side setbacks

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES DOCK REGULATION SUMMARY

	Redington Beach	Madeira Beach
Length	30 feet	½ width of adjacent property
Size	500 s.f.	
Center 1/3		
	The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts. All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.	Private docks and boat lifts must be constructed within the center one-third of the applicant's waterfront property or 50 feet from the adjacent property, whichever is less restrictive. This requirement may be waived by the city manager or his designated representative, provided that signed statements of no objection from the property owner encroached upon has been submitted. Tie piles may be a maximum distance of twenty-five percent (25%) of the navigable portion of the waterway from the waterfront property line and no closer than the side setback for a structure located on the property to the projection of any side or interior lot line. This requirement may be waived by the city manager or his designated representative, provided that signed statements of no objection from the property owner encroached upon has been submitted.

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES DOCK REGULATION SUMMARY

	Redington Beach	Treasure Island
Length	30 feet	50 feet
Size	500 s.f.	
Center 1/3		
	The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts. All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.	(1) All docks to be constructed on waterfront property of less than 60-foot frontage must be located so that no portion of the proposed dock is closer to either extended property line than one-third of the waterfront measurement. All docks to be constructed on waterfront property of more than 60-foot frontage must be located so that no portion of the proposed dock is less than 20 feet from either adjacent extended property line. Docks located on waterfront property on the inside corner of a canal may be located not closer than five feet from either adjacent extended property line. (2) All docks, not to include boatlifts and davits, shall be constructed so that the width of same shall not exceed 25 percent of the width of the property involved at the waterfront. Residential docks and boat lifts shall be limited to a combined maximum width of 35 feet. The length of docks shall not exceed a maximum length of 50 feet, including tiepoles. Catwalks shall have a minimum width of 24 inches and a maximum width of 36 inches. (3) All davits and lifts shall comply with all setback and locational requirements of docks.

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY

	Redington Beach	St. Pete Beach
Length	30 feet	1/4 width of waterway
Size	500 s.f.	
Center 1/3		
	The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts. All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.	Residential dock, davits, boatlifts or tie poles shall be located within the center one-half of the width of the appurtenant upland property at the waterfront. For the purpose of this regulation, side lot lines of a lot shall be deemed to extend into the adjacent water body perpendicular to the shoreline which they intersect. This requirement may be varied administratively provided that a signed statement of "no objection" from the property owner encroached upon has been submitted with the permit application.

Town of Redington Beach
ORDINANCE NO. 2021-01

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, PINELLAS COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES CHAPTER 5 – BOATS, DOCKS AND WATERWAYS, ARTICLE III. – BULKHEADS, DOCKS, ETC., IN BOCA CEIGA BAY, SECTION 5-57. – SPECIFICATIONS FOR DOCKS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of the Town of Redington Beach desires to more effectively regulate any repairs to any existing and the erection of newly constructed docks; and

WHEREAS, the Board of Commissioners of the Town of Redington Beach finds that such regulation is in the best interests of the public health, safety and welfare; and

WHEREAS, the Board of Commissioners of the Town of Redington Beach has determined that the amendment of Section 5-57. – Specifications for docks is necessary to effectively regulate same; and

WHEREAS, the Town's Planning Board, which serves as its Local Planning Agency, has found this Ordinance to be consistent with the Town's Comprehensive Plan and has recommended approval of the amendment to further consistency with the Town's Comprehensive Plan;

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Beach, Florida, that:

Section 1. The foregoing whereas clauses are incorporated herein by reference and made a part of hereof.

Section 2. This ordinance amends Chapter 5 – Boats, Docks and Waterways, Article III. – Bulkheads, Docks, Etc., in Boca Ciega Bay, Section 5-57. Specifications for docks as follows:

Sec. 5-57. - Specifications for docks.

(a) *Generally.* Docks shall be constructed in accordance with the following:

- (1) All piling shall be of precast concrete, testing 3,000 pounds or better in 28 days, or creosoted piles, pressure treated or equivalent. Piling shall be at least eight inches square in cross section and be of a length that will permit 25 percent of the

length thereof to be embedded in the compacted bottom.

- (2) Concrete piling shall incorporate at least four, one-half-inch diameter steel rods running the entire length thereof and covered by at least two inches of concrete.
- (3) The top of piling shall not be higher than 4.12 feet, NAVD and the top of the lift-poles and tie poles shall not be higher than 12.12 feet, NAVD.
- (4) All wood incorporated in docks shall be treated by a pressure method meeting the requirements of federal specification TT-W-571d, and all nails and bolts shall be galvanized or better.
- (5) The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts.
 - a. All dock facilities except for boatlifts and associated catwalks, and tie poles, shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.
 - b. Boatlifts and associated catwalks, and tie poles may be located no closer than 7.5 feet from the property lines of the associated property as extended into the water provided that no boat may be tied to the side of a tie pole closer to the property line.
 - bc. One dock per single-family property is permitted.
 - cd. A maximum of two slips with or without boat lifts are permitted.
 - de. The maximum allowable dock facility shall be within a 30-foot length from the seawall.
 - ef. The total amount of decking including dock and catwalks shall be not greater than 500 square feet.
 - g. No portion of the dock facility and/or boat or personal watercraft shall be any closer than the greater of 7½ feet to the side property line or the required side setback as extended into the water unless the facilities are a shared property line dock. Two property owners may choose to abut their dock facilities among their common property line.
 1. Two property owners sharing a common side property line as extended into the water can may choose to have a common dock in lieu of two individual private docks.
 2. Shared property line docks on a common property line shall be allowed and shall require an agreement between the property owners that includes a provision that the property owners shall be responsible for the removal of the dock should that agreement be terminated. The agreement shall be recorded with Pinellas County, with a copy of the recorded agreement provided to the ~~t~~Town.
 3. The shared property line dock facility shall conform to all requirements of this section.
 4. Only one shared property line dock is allowed per lot.

- (6) Dock facility owners shall be allowed to repair their docks which have been damaged by a natural disaster (act of God, heavy winds and/or seas), in the same configuration of the original permitted dock. This subsection shall not apply in instances where the destroyed or damaged dock was not originally permitted by the town. If a permit has not been applied for within 90 days from the date of destruction, the dock shall conform with all the provisions of this chapter.
- (7) Any dock facility existing at the time of the adoption of this section, although such dock facility does not conform with the provisions hereof, may be continued. No alterations may be made to said dock which will increase its degree of non-conformity but work to maintain, repair, rebuild or reconstruct necessary to keep the dock facility in sound condition within the same or smaller footprint is permitted.
- (8) There will be a permit fee for all docks subject to inspection as established in section 6-308(f).
- (9) Except as changed by the provisions of sections 6-307 and 6-314, docks erected serving any lots in the town shall be subject to the following restrictions governing size, shape and location:
- a. No dock shall be erected which will, in the opinion of the building official, deprive owners of adjacent or nearby lots of equal docks and equal access to the docks.
 - b. Except as provided in Section 5-57 (a)(5)(d), no dock construction, including all landings and stairs, shall project more than 30 feet from the face of the seawall, or 30 feet from the shoreline, which is defined for the purpose of this section as the mean low water line.
 - c. No dock walkway, which is defined for the purpose of this section as the structure extending from land to the head, shall be more than six feet wide.
- (b) *Maximum height of enclosed docks.* No enclosed or covered portion of any pier, dock, walkway, or other similar structure extending beyond the high-water mark of the waters of Boca Ciega Bay on any cove, inlet, or arm thereof from the adjacent lot elevation shall rise in height more than three feet above the level of the lot elevation. This provision shall not, however, apply to open-work railings, fish-cleaning tables, and flag or signal poles placed thereupon.
- (c) *Floating docks.* No floating dock shall be installed that will exceed the length and width and summation of total dockage square foot area limitations for floating and pile installed docks as provided in this article. Nothing in this section shall prohibit the installation of floating docks so long as they are constructed of completely new components attached to new and separate piling and comply with all other appropriate sections of this article and the seal and signature of the engineer of record as defined in Section 10-10 of this Code shall be affixed to all plans submitted for such docks. Floation shall be no less than that specified by

Pinellas County. No floating dock shall be placed or situated in any of the town's waterways so as to impede or restrict in any way the free and safe passage of any other vessels using or entitled to use the waterways of this state.

(d) *Disposition of removed dock concrete.* Concrete pilings and other concrete remnants of docks being replaced by new docks may be placed on the seabed subject to the following restrictions:

(1) For a non-residential dock the Engineer of Record, as is defined in Section 10-10 of this Code, or for a residential dock, the contractor to whom the dock permit is issued, certifies in writing to the Town, on a form to be provided by the Town, that:

- a. there are no contaminants in the concrete that would adversely affect water quality based on the standards established by Pinellas County; and
- b. there are no seagrasses or other environmentally sensitive features on or within 15 feet of the location where the concrete is to be placed.

(2) There is no exposed metal on or within the concrete;

(3) The concrete:

- a. is placed under the footprint of the new dock; or
- b. is placed at the base of the seawall in a single row in physical contact with the seawall or with previously placed removed concrete; and
- c. is located completely below the Mean Low Water elevation.

(4) The removed concrete may project above the Mean Low Water elevation at the seawall if it is covered by material that meets the requirements of § 5-63, "riprap" of this Code.

Section 3. Chapter 10, Floodplain Management, Article II, Definitions, Section 10.10, Definitions, is amended by inserting, in alphabetical order:

North American Vertical Datum of 1988 (NAVD 88). The vertical control datum of orthometric height established for vertical control surveying in the United States of America and in Canada based upon the General Adjustment of the North American Datum of 1988.

Section 4. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

1 **Section 5.** This Ordinance shall become effective immediately upon final passage and
2 adoption.
3

4 **PASSED AND ADOPTED** by the Board of Commissioners of the Town of Redington
5 Beach, Pinellas County, Florida, on this _____ Day of _____ 2021.
6

7 ATTEST:
8
9

10 _____
11 **Missy Clarke, CMC Town Clerk**

Nick Simons, Mayor

	Motion	Seconded	Aye	Nay	Absent
Commissioner Kornijtschuk					
Vice Mayor Dorgan					
Commissioner Steiermann					
Commissioner Will					
Mayor Simons					