

ORDINANCE 2024-03

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING THE TOWN OF LONGBOAT KEY CODE OF ORDINANCES, TITLE 15, LAND DEVELOPMENT CODE; AMENDING CHAPTER 154, FLOOD CONTROL; AMENDING SECTION 154.202, DEFINITIONS; AMENDING SECTION 154.301, BUILDINGS AND STRUCTURES; AMENDING CHAPTER 158: ZONING CODE; AMENDING ARTICLE X, DEFINITIONS; AMENDING SECTION 158.144, DEFINITIONS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, the Town was accepted for participation in the National Flood Insurance Program (NFIP) on July 30, 1971, and the Longboat Key Town Commission ("Commission") desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, FEMA has revised and reissued the Flood Insurance Study for Manatee County, Florida and Incorporated Areas, with an effective date of August 10, 2021, and for Sarasota County, Florida and Incorporated Areas, with an effective date of March 27, 2024; and

WHEREAS, the above referenced Flood Insurance Studies for Manatee and Sarasota Counties are less restrictive than prior versions of such study that were previously adopted by reference by the Town; and

WHEREAS, the Town has determined that it is in the public interest to amend Chapters 154 and 158 of the Town Code of Ordinances, Flood Control and the Zoning Code, respectively, to provide property owners with an option to increase the Freeboard amount of height above the Base Flood Elevation, and from which building height is measured, to increase resiliency and incentivize flood safe structures within the Town; and

WHEREAS, in case of conflict in meaning or interpretation between the text of the Town's Zoning Code and any graphic provided for within Chapter 158 of the Zoning Code, the clear meaning of the text within the Town's Zoning Code shall control and prevail; and

WHEREAS, the proposed amendments to Chapter 154 and Chapter 158 of the Town Code of Ordinances are less restrictive than prior versions and provide property owners with the option of increasing structural elevation to increase resiliency; and

WHEREAS, the Town's Planning and Zoning Board found that these amendments to the Code of Ordinances for the Town of Longboat Key, Florida, as provided herein, are consistent with the Town's Comprehensive Plan and forwarded to the Town Commission for

consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The above recitals are true and correct and are hereby incorporated fully by reference.

SECTION 2. Chapter 154, Section 154.202, Definitions, of the Town Code of Ordinances, is hereby amended by adding:

154.202 - Definitions.

“Freeboard.” An additional amount of height above the Base Flood Elevation used as a factor of safety in determining the elevation to which a structure's lowest floor or lowest horizontal structural member of the lowest floor, as applicable, must be elevated or floodproofed, as required by the Florida Building Code and where amended by the Town Code, and to allow additional height elected by the applicant subject to limitations specified in Chapter 158, Article X, Definitions.

SECTION 3. Chapter 154, Section 154.301, Buildings and structures, is hereby amended by adding:

154.301 Buildings and structures.

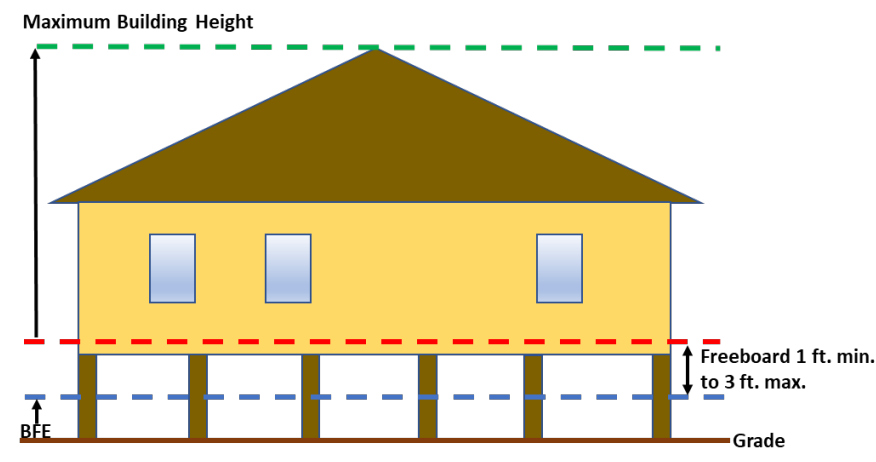
(D) Building height measurement and limitations. For the purpose of determining building height for buildings and structures in flood hazard areas other than Coastal A Zones, Coastal High Hazard Areas, and seaward of the CCCL, the vertical distance shall be measured as specified in the definition “building, height of” in Chapter 158, Article X, Definitions.

SECTION 4. Chapter 158, Section 158.144, Definitions, is hereby amended by adding:

158.144, Definitions.

“Building, height of.”

(3) For the purposes of Article IV, Bulk, Maximum height, for all structures in flood hazard areas other than Coastal A Zones, Coastal High Hazard Areas, and seaward of the CCCL, the vertical distance shall be measured from the Base Flood Elevation (BFE) plus Freeboard, except that in no case shall the vertical distance of the Freeboard exceed a maximum of three (3) feet. The building height shall be measured from the selected Freeboard to the highest point of any portion of the building (see illustration below).



SECTION 5. Providing for Severability. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 6. Repeal of Ordinances in Conflict. All other ordinances of the Town of Longboat Key, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 7. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Longboat Key.

SECTION 8. Effective Date. This Ordinance shall take effect upon adoption, as provided by law.

Passed on the first reading on the 4th day of March, 2024.

Adopted on second reading and public hearing the 1st day of April, 2024.

ATTEST:

Kenneth Schneier, Mayor

Trish Shinkle, Town Clerk