

M E M O R A N D U M

TO: Tom Harmer, Town Manager

FROM: Allen Parsons, Planning Zoning Building Director
Isaac Brownman, Public Works Director

REPORT DATE: October 22, 2021

MEETING DATE: November 1, 2021

SUBJECT: Ordinance 2021-14, Amending Chapter 154, Flood Control

Recommendation

Adopt Ordinance 2021-14.

Background

At their October 4, 2021 Regular Meeting the Town Commission held first reading and forwarded Ordinance 2021-14 to the November 1, 2021 Regular Meeting for second reading, public hearing and adoption.

On May 29, 2020 communities throughout the State were informed by the Community Rating System (CRS) administrator for the Federal Emergency Management Agency (FEMA) and its National Flood Insurance Program (NFIP), of a newly adopted CRS Manual amendment that became effective on January 1, 2021. One of the key updates is that all communities participating in the NFIP would be subject to a fairly significant change affecting mobile home parks.

The newly adopted CRS Manual amendment compels all communities to have their Flood Codes provide for enforcement of having all applicable structures meet FEMA base flood elevation requirements (plus a freeboard requirement). This would consist of all residential buildings, including mobile homes, prior to a community's next CRS Cycle Verification visit after January 1, 2021 or that community would lose its present rating status, and associated insurance policy discounts¹.

Historically, the Town Flood Control Code (Chapter 154) has included an exemption, previously provided by the Code of Federal Regulations; 44 60.3, allowing the installation of mobile home structures to just be 3 feet above adjacent grade, rather than at a more typical FEMA base flood elevation. This exemption is now superseded by this CRS Manual amendment. This change will impact the two mobile home parks within the Town's jurisdiction for future voluntary replacements or involuntary replacements due to damage, etc.

Town staff again sought clarification regarding this manual change, and again confirmed that there are no allowances for exemptions from this requirement. Absent the elimination of the FEMA base flood height exemption for mobile homes, the Town would be

¹ The Town's participation in the NFIP and the supporting CRS program provides significant NFIP Policy discounts for the Town's citizens. The Town is currently rated a "Class 6" community, providing 20% discounts on over 9,700 NFIP policies within the Town.

downgraded to Class 9 CRS community resulting in a significant reduction¹ in NFIP policy discounts which have been available Town-wide from the current 20% discount, down to 5%.

Based on the many flood protection related activities, the Town is currently in the top 10% Nationwide of communities participating in the NFIP program of CRS policy discounts².

As noted, these changes are required to be in effect within the calendar year 2021, and before the next CRS Cycle verification visit. Town staff was successful in delaying the effective date by one year (from January 1, 2021 to January 1, 2022) in which the Town's current exemption for meeting the FEMA flood zone elevation requirements for all structures would be required without being downgraded to a Class 9 CRS community.

This is an issue facing all communities that participate in the CRS. Recent ordinance changes have taken place in Manatee, Sarasota and Pinellas counties. Participating CRS communities that have not made analogous ordinance changes are likely delaying such changes until their next CRS Cycle Verification dates.

The Town Commission heard input from the public and sought information on potential ways of mitigating impacts for any future affected community members. Staff research indicates that the State of Florida Bureau of Mitigation administers several Federal mitigation grant programs including:

- Hazard Mitigation Grant Program: Severe Repetitive Loss Program
- Pre-Disaster Mitigation Program: Repetitive Flood Claims Program
- Flood Mitigation Assistance Program: Residential Construction Mitigation Program

Such funding options may be available to mobile home residents in certain circumstances. We will share information regarding these programs to the two mobile home parks so they are aware.

Staff is bringing forward Ordinance 2021-11, which addresses the required elimination of the FEMA base flood elevation exemption, and has also incorporated an overall Chapter update, as it was last updated in 2014. This adds recommendations from the Florida Department of Emergency Management to address other CRS Manual Amendment requirements that have been adopted since 2014, and are intended to improve the readability of the Chapter, and provide consistency with requirements of the Florida Building Code.

Staff Recommendation

Adopt Ordinance 2021-14.

¹ The latest NFIP policy report indicates the Town's CRS status as a Class 6 Community (with a 20% discount), has resulted in an average discount per policy, of \$188, and total cumulative community savings for all NFIP policies of \$1,827,530. If the Town were to drop to a Class 9 Community (with a 5% discount), it is estimated that it would result in a 75% reduction Town-wide, with a community-wide estimated negative impact of \$1,370,643. Under this scenario the average policy savings would be approximately \$47 and the aggregate savings total would be \$456,877.

² In 2021, the CRS discount top 10% communities consisted of 159 communities. The Town of Longboat Key was ranked #42, with a CRS discount of \$1,770,989 for 9,798 policies, as a Class 6 community.

Attachments

- A. Ordinance 2021-14, Town Code Chapter 154
- B. Public Correspondence
- C. PowerPoint Presentation

ORDINANCE 2021-14

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING THE TOWN OF LONGBOAT KEY CODE OF ORDINANCES TO AMEND CHAPTER 154, FLOOD CONTROL; TO AMEND LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; 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, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

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

WHEREAS, the Town of Longboat Key participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System (CRS), a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements, achieving a CRS rating of Class 6; and

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

WHEREAS, Chapter 553, F.S., allows for local technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the Town Code and allows adoption of local administrative and local technical amendments to

the Florida Building Code to implement the National Flood Insurance Program and incentives; and

WHEREAS, the Commission previously adopted administrative and technical amendments to the Florida Building Code in the Town Code, and seeks to modify those amendments to be consistent with the 7th Edition of that code; and

WHEREAS, 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.

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 of the Town Code of Ordinances, Flood Control (Ordinance 2013-25, adopted January 6, 2014), is hereby amended as follows:

Chapter 154 FLOOD CONTROL

154.100 Administration

154.101 General.

(A) *Title.* These regulations shall be known as the Floodplain Management **Ordinance Code** of the Town of Longboat Key ("**T**own"), hereinafter referred to as "this **ordinance Code**."

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

(C) *Intent.* The purpose of this **ordinance Code** and the flood load and flood-resistant construction requirements of the Florida Building Code is to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;

- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program (NFIP) for community the Town's participation as set forth in the Title 44 Code of Federal Regulations, § 59.22.
- (D) *Coordination with the Florida Building Code.* This ordinance Code 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 ordinance Code and the Florida Building Code, as amended by the Town this community, 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 manmade or natural causes. This ordinance Code 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 (FIS) and shown on Flood Insurance Rate Maps (FIRM) and the requirements of Title 44 Code of Federal Regulations, §§ 59 and 60 may be revised by the Federal Emergency Management Agency (FEMA), requiring the Town this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program NFIP. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance Code.
- (F) *Disclaimer of liability.* This ordinance Code shall not create liability on the part of the Town or any of its past or present officials, officers, employees or agents for any flood damage that results from reliance on this ordinance Code or any administrative decision lawfully made thereunder.

154.102. 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 ordinance Code applies.* This ordinance Code shall apply to all flood hazard areas within the town, as established in § 154.102(C) of this ordinance Code.
- (C) *Basis for establishing flood hazard areas.* The Flood Insurance Study FIS for Manatee County, Florida and Incorporated Areas, dated August 10, 2021 March 17, 2014, and the Flood Insurance Study for Sarasota County, Florida, and incorporated areas, dated November 4, 2016 September 3, 1992, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRMs), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance Code and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at Town of Longboat Key Town Hall, 501 Bay Isles Road, Longboat Key, Florida 34228:
- (1) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to § 154.105 of this ordinance Code the

fFloodplain aAdministrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the communityTown indicates that ground elevations:

(a) 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 ordinance Code and, as applicable, the requirements of the Florida Building Code.

(b) 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.

(D) *Other laws.* The provisions of this ordinance Code shall not be deemed to nullify any applicable provisions of local, state or federal law.

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

(F) *Interpretation.* In the interpretation and application of this ordinance Code, 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.

154.103 Duties and powers of the floodplain administrator.

(A) *Designation of floodplain administrator—The tTown mManager.* The eCommission hereby appoints the tTown mManager, or his designee, to administer and implement the provisions of this ordinance Code and is herein referred to as the fFloodplain aAdministrator. The floodplain administrator may delegate performance of certain duties to other employees.

(B) *General.* The fFloodplain aAdministrator is authorized and directed to administer and enforce the provisions of this ordinance Code. The fFloodplain aAdministrator shall have the authority to render interpretations of this ordinance Code consistent with the intent and purpose of this ordinance Code and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance Code without the granting of a variance pursuant to § 154.107 of this ordinance Code.

(C) *Applications and permits.* The fFloodplain aAdministrator, in coordination with other pertinent offices of the Town community, shall:

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

- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this **ordinance Code**;
 - (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 - (4) Provide available flood elevation and flood hazard information;
 - (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 - (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
 - (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this **ordinance Code** is demonstrated, or disapprove the same in the event of noncompliance; and
 - (8) Coordinate with and provide comments to the **bB**uilding **eO**fficial to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this **ordinance Code**.
- (D) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the **fF**loodplain **aA**dministrator, in coordination with the **bB**uilding **eO**fficial, 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; for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition 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 **ordinance Code** is required.
- (E) *Modifications of the strict application of the requirements of the Florida Building Code.* The **fF**loodplain **aA**dministrator 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 § 154.107 of this **ordinance Code**.

(F) *Notices and orders.* The ~~f~~Floodplain ~~a~~Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ~~ordinance Code~~.

(G) *Inspections.* The ~~f~~Floodplain ~~a~~Administrator shall make the required inspections as specified in § 154.106 of this ~~ordinance Code~~ for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The ~~f~~Floodplain ~~a~~Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(H) *Other duties of the ~~f~~Floodplain ~~a~~Administrator.* The ~~f~~Floodplain ~~a~~Administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the ~~b~~Building ~~e~~Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to § 154.103(D) of this ~~ordinance Code~~;

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida 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 MapsFIRMS~~ 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 ~~ordinance Code~~ and the Florida Building Code ~~and this ordinance~~ to determine that such certifications and documentations are complete;

(5) Notify the ~~Federal Emergency Management Agency~~~~FEMA~~ 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 ~~f~~Floodplain ~~a~~Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood-resistant construction requirements of the Florida Building Code, including ~~Flood Insurance Rate MapsFIRMS~~; letters of 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 ~~ordinance Code~~; 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

ordinance Code and the flood-resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Town of Longboat Key Town Hall, 501 Bay Isles Road, Longboat Key, Florida 34228.

154.104 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 ordinance Code, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the ~~floodplain administrator, and the b~~Building eOfficial in coordination with the Floodplain Administrator if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance Code and all other applicable codes and regulations has been satisfied.

(B) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance Code for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the ~~f~~Floodplain aAdministrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(1) *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program NFIP (44 C.F.R. §§ 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance Code:

- (a) Railroads and ancillary facilities associated with the railroad.
- (b) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
- (c) Temporary buildings or sheds used exclusively for construction purposes.
- (d) Mobile or modular structures used as temporary offices.
- (e) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
- (f) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (g) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on-site or preassembled and delivered on-site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (h) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.

(i) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

(C) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the Town community. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in § 154.105 of this ordinance Code.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the floodplain administrator.

(D) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance Code shall not be construed to be a permit for, or approval of, any violation of this ordinance Code, the Florida Building Codes, or any other ordinance Code of the Town this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

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

(F) *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance Code or any other Code ordinance, regulation or requirement of the Town this community.

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

- (1) The Southwest Florida Water Management District; F.S. § 373.036.
- (2) Florida Department of Health for on-site sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
- (4) Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.

- (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; § 404 of the Clean Water Act.
- (6) Federal permits and approvals.

154.105 Site plans and construction documents.

(A) *Information for development in flood hazard areas.* The sSite pPlan or construction documents for any development subject to the requirements of this ordinance Code 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) 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 requirements of Town Code §Chapter 158.150(D) and landward of the reach of mean high tide.
- (3) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (4) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (5) Delineation of the eCoastal eConstruction eControl lLine (CCCL) or notation that the site is seaward of the CCCL coastal construction control line, if applicable.
- (6) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

The fFloodplain aAdministrator is authorized to waive the submission of sSite pPlans, construction documents, and other data that are required by this ordinance Code 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 ordinance Code.

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

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in § 154.105(C) of this ordinance Code and shall submit the conditional letter of map revision, if issued by FEMA, with the sSite pPlan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the FIS Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the Town community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in § 154.105(C) of this ordinance Code.

(4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage; provided such alteration is approved by the Florida Department of Environmental Protection.

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

154.106 Inspections.

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

(1) *Development other than buildings and structures.* The fFloodplain aAAdministrator shall inspect all development to determine compliance with the requirements of this ordinance Code and the conditions of issued floodplain development permits or approvals.

(2) *Buildings, structures and facilities exempt from the Florida Building Code.* The fFloodplain aAAdministrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance Code and the conditions of issued floodplain development permits or approvals.

(a) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the fFloodplain aAAdministrator the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor.

(b) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final

documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in § 154.106(A)2(a) of this **ordinance Code**.

(B) *Manufactured homes.* The **bB**uilding **eO**fficial shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this **ordinance Code** and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the **fF**loodplain **aA**dministrator.

154.107 Variances and appeals.

(A) *General.* The Town of Longboat Key Zoning Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this **ordinance Code**. Pursuant to F.S. § 553.73(5), the Town of Longboat Key Zoning Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements of the Florida Building Code. This section does not apply to § 3109 of the Florida Building Code, Building.

(B) *Appeals.* The Town of Longboat Key Zoning Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the **fF**loodplain **aA**dministrator in the administration and enforcement of this **ordinance Code**. Any person aggrieved by the decision of **the** Town of Longboat Key Zoning Board of Adjustment may appeal such decision to the circuit court, as provided by Florida Statutes.

(C) *Limitations on authority to grant variances.* The Town of Longboat Key Zoning Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in § 154.107(F) of this **ordinance Code**, the conditions of issuance set forth in § 154.107(G) of this **ordinance Code**, and the comments and recommendations of the **fF**loodplain **aA**dministrator and the **bB**uilding **eO**fficial. The Town of Longboat Key Zoning Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this **ordinance Code**.

(D) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building, Chapter **12 44** Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(E) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this **ordinance Code**, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(F) *Considerations for issuance of variances.* In reviewing requests for variances, the Town of Longboat Key Zoning Board of Adjustment shall consider all technical evaluations,

all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance Code, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the eComprehensive pPlan and fFloodplain mManagement pProgram for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

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

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance Code or the required elevation standards;
- (2) Determination by the Town of Longboat Key Zoning Board of Adjustment that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinance Codes; 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 eClerk of the eCourt, in the county the property is situated in, 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 fFloodplain aAdministrator 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.

154.108 Violations.

(A) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this **ordinance Code** that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this **ordinance Code**, shall be deemed a violation of this **ordinance Code**. 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 **ordinance Code** 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 **ordinance Code** 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 law and in Town Code, chapter 10, General Provisions, § 10.99, General Penalty.

(Ord. 2013-25, passed 1-6-14)

154.200 Definitions

154.201 General.

(A) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this **ordinance Code**, have the meanings shown in this section.

(B) *Terms defined in the Florida Building Code.* Where terms are not defined in this **ordinance Code** and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

(C) *Terms not defined.* Where terms are not defined in this **ordinance Code** or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

154.202 Definitions.

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

"Alteration of a watercourse." A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel

capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

"Appeal." A request for a review of the floodplain administrator's interpretation of any provision of this ordinance Code or a request for a variance.

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

"Base flood." A flood having a one percent chance of being equaled or exceeded in any given year. (Also defined in FBC, B, § 1612.2.) The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

"Base flood elevation." The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). (Also defined in FBC, B, § 1612.2.)

"Basement." The portion of a building having its floor subgrade (below ground level) on all sides. (Also defined in FBC, B, § 1612.2.)

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

"Coastal high hazard area." A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRMs) as Zone V1-V30, VE, or V (Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas.")

"Design flood." The flood associated with the greater of the following two areas: (Also defined in FBC, B, § 1612.2.)

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

"Design flood elevation." The elevation of the "design flood," including wave height, relative to the datum specified on the communityTown's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. (Also defined in FBC, B, § 1612.2.)

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

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

"Existing building and existing structure." Any buildings and structures for which the "start of construction" commenced before July 30, 1971. (Also defined in FBC, B, § 1612.2.)

~~*"Existing manufactured home park or subdivision."* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before July 30, 1971.~~

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

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

"Flood or flooding." A general and temporary condition of partial or complete inundation of normally dry land from: (Also defined in FBC, B, § 1612.2.)

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

"Flood damage-resistant materials." Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. (Also defined in FBC, B, § 1612.2.)

"Flood hazard area." The greater of the following two areas: (Also defined in FBC, B, § 1612.2.)

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

"Flood Insurance Rate Map (FIRM)." The official map of the Town community on which the ~~FEMA~~Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the Town community. (Also defined in FBC, B, § 1612.2.)

"Flood Insurance Study (FIS)." The official report provided by the FEMA Federal Emergency Management Agency that contains the FIRM Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. (Also defined in FBC, B, § 1612.2.)

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

"Floodplain development permit or approval." An official document or certificate issued by the Town community, or other evidence of approval or concurrence, which authorizes

performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this **ordinance Code**.

"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 **12 44** Historic Buildings.

"Letter of map change (LOMC)." An official determination issued by FEMA that amends or revises an effective **FIRM Flood Insurance Rate Map** or Flood Insurance Study. Letters of map change include:

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

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

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

(4) *"Conditional letter of map revision (CLOMR)."* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective **FIRM Flood Insurance Rate Map** or **FIS 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, § 1612.2.)

"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-1.0.101, 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 ordinance, the term refers to t~~The market value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser, is the~~ actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect and quality of construction) ~~determined by a qualified independent appraiser,~~ 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 ~~ordinance Code~~ and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after July 30, 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) was completed on or after July 30, 1971.~~

"Park trailer." A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. (Defined in F.S. § 320.01.)

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

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

"Special flood hazard area." An area in the floodplain subject to a 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 § 1612.2.)

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

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Also defined in FBC, B § 1612.2.)

"Substantial damage." Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. (Also defined in FBC, B § 1612.2.)

"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, § 1612.2.)

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

(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

"Town." "Town" and "the Town of Longboat Key" for the purposes of this chapter shall be one and the same.

"Variance." A grant of relief from the requirements of this **ordinance Code**, 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 **ordinance Code** 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.

154.300 Flood-Resistant Development**154.301 Buildings and structures.**

(A) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to § 154.104(B)1 of this ordinance Code, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of § 154.307 of this ordinance Code.

(B) *Buildings and structures seaward of the eCoastal eConstruction eControl Line.* If extending, in whole or in part, seaward of the CCCL coastal construction control line and also located, in whole or in part, in a flood hazard area:

(1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building § 3109 and § 1612 or Florida Building Code, Residential § R322.

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

~~(C) *Existing residential buildings.* Existing residential buildings (including manufactured homes) that were constructed between December 31, 1974 and December 31, 2006 in compliance with the flood protection and elevation requirements in effect at the time of construction and that are not located in coastal high hazard areas (Zone V or Zone A seaward of the coastal construction control line), shall, if proposed work is determined pursuant to § 154.103(D) to be:~~

~~(1) *Substantial improvement, not be required to elevate above the base flood elevation, except reconstruction as a new structure (or replacement with a new manufactured home) shall be in compliance with the Florida Building Code, Residential; or*~~

~~(2) *Repair of substantial damage, be required to comply with the Florida Building Code, Existing Building.*~~

(C) *Accessory structures.* Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

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

(2) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.

(3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.

(4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.

(5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

154.302 Subdivisions.

(A) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

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

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Compliance with the site improvement and utilities requirements of § 154.303 of this Ordinance Code.

154.303 Site improvements, utilities and limitations.

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

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

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

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

(D) *Limitations on placement of fill.* Subject to the limitations of this Ordinance Code, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

(E) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by § 154.105(B)(4) of this ordinance Code demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with § 154.307(E)(3) of this ordinance Code.

154.304 Manufactured homes.

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

(B) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

(1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ordinance Code.

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

(3) In areas seaward of the coastal construction control line, are designed in accordance with the more restrictive requirements of Chapter R44 of Florida Building Code, Residential, the Florida Building Code, Residential § R322.3, and this ordinance Code.

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

(D) *Elevation.* All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or R322.3 (Zone V and Coastal A Zone). Manufactured homes that are placed, replaced, or substantially improved shall comply with § 154.304(D)(1) or § 154.304(D)(2) of this ordinance, as applicable.

~~(1) *General elevation requirement.* Unless subject to the requirements of § 154.304(D)(2) of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the~~

elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential § R322.2 (Zone A) or § R322.3 (Zone V).

~~(2) Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to § 154.304(D)(1) of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

~~(a) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential § R322.2 (Zone A) or § R322.3 (Zone V); or~~

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

(E) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential § R322 for such enclosed areas, as applicable to the flood hazard area.

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

154.305 Recreational vehicles and park trailers.

(A) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(B) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in § 154.305(A) of this ordinance Code for temporary placement shall meet the requirements of § 154.304 of this ordinance Code for manufactured homes.

154.306 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 § 154.306(C) of this ordinance Code 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.

154.307 Other development.

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

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

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

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

(4) Have mechanical, plumbing, and electrical systems above the design flood elevation, 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) *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.

(C) *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 run-up 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 run-up and wave reflection.

(D) *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 run-up 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.

(E) *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 run-up and wave reflection that would increase damage to adjacent buildings and structures.

(3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run-up 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.

154.308 Local **technical administrative** amendments to the Florida Building Code.

(A) *The Florida Building Code.* Sections ~~104.10.1, 107.6.1 and 117~~ are hereby amended by the following **technical administrative** amendments to the Florida Building Code, Building:

(1) ~~— Add a new Section 104.10.1 as follows:~~

~~—104.10.1 Modifications of the strict application of the requirements of the Florida Building Code. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood-resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to § 117.~~

(2) ~~— Add a new Section 107.6.1 as follows:~~

~~—107.6.1 Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. §§ 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistant construction requirements of the Florida Building Code.~~

(3) ~~— Add a new Section 117 as follows:~~

~~—117 Variances in Flood Hazard Areas~~

~~117.1 Flood hazard areas. Pursuant to F.S. § 553.73(5), the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of Section R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.~~

(B) ~~*The Florida Building Code, Residential* is hereby amended by the following technical amendments:~~

(1) Add new Section R322.2.1 and renumber, as follows:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

2. ~~Reserved~~Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.

3. Buildings and structures seaward of the ~~CCCL~~ coastal construction control line shall have the lowest horizontal structural member of the lowest floors elevated to or above the base flood elevation plus 3 feet.

4. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade

as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 2 feet (914610 mm) if a depth number is not specified.

5. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation.

e5.Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

(2) Modify Section R322.3.2 as follows:

R322.3.2 Elevation requirements.

1. All buildings and structures erected within coastal high-hazard and Coastal A Zones areas shall be elevated so that the bottom of the lowest horizontal ~~lowest portion of all~~ structural members supporting the lowest floor, with the exception of ~~mat or raft foundations,~~ piling, pile caps, columns, grade beams and bracing, is at or above the base flood elevation plus 3 feet or the design flood elevation, whichever is higher.

2. Basement floors that are below grade on all sides are prohibited.

3. The use of fill for structural support is prohibited.

4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

5. Exception: Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections ~~R322.3.4 and~~ R322.3.5 and R322.3.6.

(C) *The Florida Building Code, Building* is hereby amended by the following technical amendments:

(1) Modify a definition in Section 202-1612.2 as follows:

"SUBSTANTIAL DAMAGE." Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

(2) Add a new Sec. 1612.4.3-1612.4.4 as follows:

1612.4.3-1612.4.4 Elevation requirements. The minimum elevation requirements in flood hazard areas subject to high velocity wave action (coastal high hazard areas) and in areas seaward of the CCCL-coastal construction control line shall be as specified in ASCE 24 or the base flood elevation plus 3 feet, whichever is higher.

(D) *The Florida Building Code, Existing Building* is hereby amended by the following technical amendment:

(1) Modify a definition in Section 202 as follows:

"SUBSTANTIAL DAMAGE." Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a

10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SECTION 3. 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 4. 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 5. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Longboat Key.

SECTION 6. Effective Date. This Ordinance shall take effect six months after its adoption, as provided by law.

Passed on the first reading on the 4th day of October, 2021.

Adopted on second reading and public hearing the 1st day of November, 2021.

Kenneth Schneier, Mayor

ATTEST:

Trish Shinkle, Town Clerk

From: [Trish Shinkle](#)
To: [BJ Bishop](#); [Debra Williams](#); [Kenneth Schneier](#); [Maureen Merrigan](#); [Mike Haycock](#); [Penny Gold](#); [Sherry Dominick](#); [Tom Harmer](#)
Cc: [Town Clerk](#)
Subject: FW: FEMA Requirements for manufactured home community
Date: Friday, October 22, 2021 1:38:51 PM

From: JIM LONG <long1817@comcast.net>
Sent: Friday, October 22, 2021 12:31 PM
To: Trish Shinkle <tshinkle@longboatkey.org>
Subject: FEMA Requirements for manufactured home community

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please forward this to the Town Commissioners and Town Manager

To Town of Longboat Key Commissioners and Town Manager,

I am a director at Gulfshore, a 55 and older association.

I am writing to you in hopes that you will not vote in support of Ordinance 2021-11. Our association will be greatly impacted by this ordinance. Our Association Manager has previously provided you with the association's boundaries and lot sizes. Our community's ingress and egress to our homes will be a hardship for many of our elderly residents. Wheelchair access would not be available at the heights required, as there would not be ample space to install a ramp. In addition, there will be financial hardships imposed on association members having to install a new home.

I will use my home as an example as how a new home installation will be impacted,

- current home height = 3 ft
- proposed home height = 10 ft

To put that into perspective, if you were looking at my home now and the top of the house was 10 ft, the bottom of the new home's foundation would be installed at the top of my existing roof.

The next issue would be where to locate the two sets of stairs necessary for 10 ft. elevation. Currently I have 5 steps for 3 ft, I would need to add approximately 8 to 9 more steps and maybe a landing if code required it. My whole parking area would be taken up by the two staircases.

The a/c units would also have to be put up to a height of 10 ft, driving up the cost of installation and repairs.

I contacted a manufacture home seller and installer in Bradenton and they provided the additional cost of the new foundation. This new height requirement will add about \$60,000 to \$80,000 for the installation, this increase would be determined by soil

testing and as to what type engineered columns would need to be installed for the new unit.

I request the commissioners and the town manager keep our association as a non-conforming property as it currently is, exempting us from the new CRS rating system.

I would like to request that the commissioners and the town manager come out to our association and walk the property to understand the layout and what physical constraints the association will be facing with the new height requirements prior to your final vote.

James Long
Gulfshore Director

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October 26, 2021

Longboat Key Town Commission
Town Hall
501 Bay Isles Road
Longboat Key, FL 34228

RE: Ordinance 2021-11

Dear Commissioners,

I am writing on behalf of the Florida Manufactured Housing Association (FMHA) to request a change to the above referenced Flood Control Ordinance pertaining to replacement homes in manufactured home communities.

The Town of Longboat Key participates in the Federal Emergency Management Agency's (FEMA's) Community Rating System (CRS) program. As such, recent changes to the program make it necessary for the Town to modify its current floodplain elevation ordinance. Specifically, to maintain a CRS rating of Class 8 or better, the Town must require manufactured homes that are installed or replaced in the special flood hazard area to be elevated to the base flood elevation (BFE) plus one foot to the lowest floor.

Additionally, the Florida Department of Emergency Management (FDEM) recently issued model ordinances to assist communities in complying with the CRS requirements. The FDEM Model Ordinances provide local governments the option of requiring replacement homes in manufactured home communities to be elevated to the lowest floor or to the bottom of the frame.

Ordinance 2021-11 requires replacement homes in manufactured home communities to be elevated to the bottom of the frame. This requirement is more stringent than either the CRS criteria or the optional FDEM Model Ordinance. Additionally, Ordinance 2021-11 is unwarranted as it treats manufactured housing different than other residential dwellings. The *Florida Building Code* requires single- and multi-family homes to be elevated to the base flood elevation plus one foot to the lowest floor.

Longboat Key Town Commission
October 26, 2021
Page 2

The approximate one foot of additional elevation for manufactured homes is unnecessary, costly, and elevates the safety risk for older residents.

The Town of Longboat Key can satisfy the CRS criteria by amending its proposed ordinance to require homes placed, replaced, or substantially improved in Zone A of the special flood hazard area to be elevated to the base flood elevation plus one foot to the lowest floor rather than to the bottom of the frame.

Thank you for your consideration.

Sincerely,



James R. Ayotte, CAE
Executive Director

Ordinance 2021-11 Amending Ch. 154 Flood Control

**November 1, 2021
Town Commission Regular Meeting
Second Reading**

Ord. 2021-11 Background

TOWN OF LONGBOAT KEY

Ongoing CRS Participation

- Flood Control (Ch. 154) last updated in 2014.
- Recent and Pending Updates to Sarasota & Manatee County FIRM maps were going to necessitate updates to Sec. 154.102(C)- referencing maps from 1992 & 2014
- Changes to Florida Building Code (e.g. requiring 1 ft. of “freeboard”)
- Miscellaneous non-substantive updates
- Significant change with 2021 Addendum
 - No exemptions to FEMA elevation reqs
 - If exemptions provided, Town reclassified to Class 9 (5% discount)
 - Town-wide NFIP Policy Savings = \$1.8M (avg. of \$188 per policy)
 - Class 9 estimated Policy Savings = \$457K (avg. of \$47 per policy)
 - At current rates, estimated increase to residents = \$1.3M
 - 9,700+ Policies Townwide
 - Exemptions required to be eliminated prior January 1, 2022



National Flood Insurance Program
Community Rating System

Addendum to the
2017 CRS Coordinator's Manual

2021



Ord. 2021-11 Background

TOWN OF LONGBOAT KEY

Exemption Elimination

Primary Proposed Impact: Mobile Home Parks

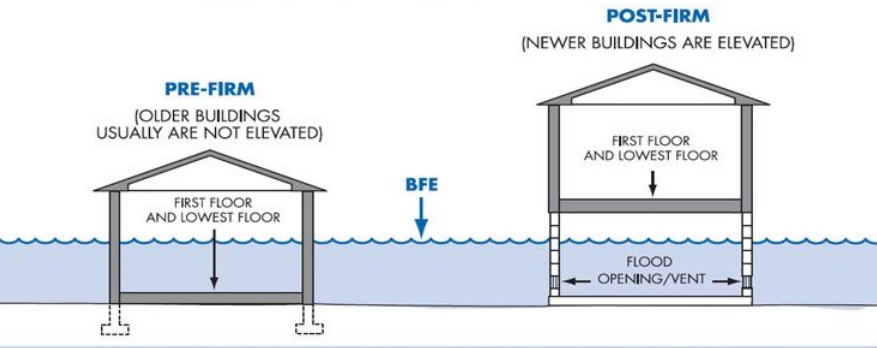
- Current Exemption for FEMA flood zone height reqs.
 - 3 ft. above grade (Sec. 154.304(D)(2)(b)), if replaced
- **Note: No exemption when damaged due to flooding.**
- **Note: EXISTING (Non-Flood Damaged) UNITS CAN REMAIN & BE MAINTAINED INDEFINITELY**
- Replacements would be subject to meeting FEMA elevation reqs. – like all other structures in the Town.
- Parks are FEMA Zone “AE”- Typical Base Flood Ht- **8ft.** + 1 or 3 ft; or **9 ft.** + 1 or 3 ft. (Preliminary FIRM maps)
 - Existing FIRM Maps “AE” with Typical Base Flood Ht. = 10 ft.
- Existing grades from 8 ft. – 2.5 ft. (sloping downward from GMD to Bay)
- Constrained sites: Gulf Shores 32' x 40' lots (Mobile Homes 20' x 34')



Ord. 2021-11 Background

TOWN OF LONGBOAT KEY

Exemption Elimination



Challenges:

- Constrained sites: Gulf Shores 32' x 40' lots (Mobile Homes 20' x 34').
- Additional construction costs. (when replacing)
- Access issues for 55+ community.

Benefits:

- More resilient/safe structures over long term.
- NFIP Policy Discounts Town-wide.

Ord. 2021-11 Background

Other Communities + Mitigation of Impacts

TOWN OF LONGBOAT KEY

Recent Flood Control Ordinance Changes:

- Manatee County
- Sarasota County
- Pinellas County



- Hazard Mitigation Grant Program: Severe Repetitive Loss Program
- Pre-Disaster Mitigation Program: Repetitive Flood Claims Program
- Flood Mitigation Assistance Program: Residential Construction Mitigation Program



[Home](#) / [About the Division](#) / [Mitigation](#) / Flood Mitigation Assistance Program

Flood Mitigation Assistance Program

The Flood Mitigation Assistance Program is funded by FEMA and administered through a partnership with the Florida Division of Emergency Management (FDEM). FDEM has the authority and responsibility for developing and maintaining a State Hazard Mitigation Plan, reviewing Flood Mitigation Assistance Program subapplications, recommending technically feasible and cost effective subapplications to FEMA and providing pass-thru funding for FEMA approved and awarded project grants to eligible subapplicants.

FY2021 Flood Mitigation Assistance Application Period Opens September 30, 2021!

Deadline to Submit a Subapplication to the State is November 12, 2021 by 5:00 P.M.

<https://www.floridadisaster.org/rss-morning-sitrep/>

Director's Office Information Technology and Management

Mitigation

- Floodplain Management Program
- Flood Mitigation Assistance Program
 - Local Ordinance & Building Code Resources
- Hazard Mitigation Grant Program
- Hurricane Loss Mitigation Program
- Local Mitigation Strategy
- State Mitigation Strategy
- Pre-Disaster Mitigation Grant Program
- Building Resilient Infrastructure and Communities (BRIC) Grant Program
- Watershed Planning Initiative



TOWN OF LONGBOAT KEY

Recommendation

Adopt Ordinance 2021-11.

End of Agenda Item