LOCAL PLANNING AGENCY
THURSDAY, MAY 30, 2024 – 11:00 AM
10451 GULF BOULEVARD TREASURE ISLAND, FL 33706

Immediately Following the Planning and Zoning Board Meeting that begins at 10:00 a.m. on 5/30/2024.

MEETING NOTICE AND AGENDA

---

1. **MEETING CALLED TO ORDER BY PRESIDING OFFICER**
2. **PLEDGE ALLEGIANCE**
3. **CELL PHONE ANNOUNCEMENT**
4. **ROLL CALL**
5. **APPROVAL OF MINUTES**
6. **PRESENTATION OF ITEMS**

   6.A Review LPA Resolution 2024-04 which recommends approval of Ordinance 2024-03 amending Section 3-4 “Proximity of Establishments to Church or School – Exception” by removing the 50-room requirement for hotels from the exception; amending Section 68-302 to correct a codification error; amending Section 68-484 “Accessory Uses in Motels or Hotels” to distinguish between accessory uses and incidental services.

   Ordinance 2024-03 removing 50 room limitation (02683627-3).docx
   Resolution 2024-04 for Ordinance on 50 Hotels Rooms (02712819-2).docx
   Ordinance_2024-03_Business_Impact_Statement.docx

   6.B Workshop to review draft Ordinances for Chapter 8 - Building and Chapter 66 - Floodplain Management.
   Ordinance 2024-XX (amending chapter 8).pdf
   Ordinance 2024-XX (amending chapter 66).pdf

7. **LOCAL PLANNING AGENCY ISSUES, COMMENTS, OR DISCUSSION**
8. **REPORTS OF CITY ATTORNEY, STAFF AND BOARD MEMBERS**

9. **NEXT LPA MEETING**

10. **PUBLIC COMMENTS**

11. **ADJOURNMENT**

AGENDA ITEM NO. 6.A

Item Cover Page

LOCAL PLANNING AGENCY AGENDA ITEM REPORT

DATE: May 30, 2024

SUBMITTED BY: Maryellen Edwards, Community Development

ITEM TYPE: Ordinances

AGENDA SECTION: PRESENTATION OF ITEMS

SUBJECT:

Review LPA Resolution 2024-04 which recommends approval of Ordinance 2024-03 amending Section 3-4 “Proximity of Establishments to Church or School – Exception” by removing the 50-room requirement for hotels from the exception; amending Section 68-302 to correct a codification error; amending Section 68-484 “Accessory Uses in Motels or Hotels” to distinguish between accessory uses and incidental services.

BACKGROUND:

Chapter 68, Section 68-484 states that incidental services used in connection with either motels or hotels, including cigar and candy stands, restaurants and lounges, personal service shops and similar uses, may be permitted by special exception of the planning and zoning board provided at least 50 hotel/motel units shall be contained within the building.

The city has evaluated the requirement for 50 hotel/motel rooms for certain accessory uses and determined that the 50-room requirement is associated with Section 561.20, Florida Statutes “Limitation of number of licenses issued” which dates back to at least 1949 and limited the number of liquor licenses per city or town based on the number of residents. Section 561.20, Florida Statutes has been amended over time and currently states that the limitation on the number of licenses does not prohibit the issuance of a special license to a hotel or motel with greater than 100 rooms in a county with a population of 50,000 residents or more.

Chapter 79-554, Laws of Florida, also provided a limitation on alcohol licenses to hotels in Pinellas County. However, through research and consultation with the Pinellas County Attorney's Office, it was determined that Chapter 79-544, Laws of Florida, is no longer in effect.

POLICY/PURPOSE:

To update the Land Development Regulations to be more consistent with current statutes.

STRATEGIC PLAN RELEVANCE:

Goal 1: Foster a vibrant business community
Objective 2: Implement the Economic Development Vision
Bold Action 2: Update the City's Comprehensive Plan, local ordinances, and Land Development Regulations

ANALYSIS/DISCUSSION:

Based on the city's analysis it has been determined that the 50-room requirement outlined in Section 68-484 is outdated and associated with liquor laws that are regulated by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages, and Tobacco (DABT) pursuant to Sections 561.02 and Section 561.08 Florida Statutes.

The city also determined that the 50-room requirement limits accessory uses in hotels and motels that may otherwise be permitted by special exception. Therefore, the city is recommending removal of the 50-room requirement for incidental services in hotels and motels and clarifying additional regulations related to this restriction.

The Local Planning Agency previously reviewed this Ordinance on March 21, 2024, and recommended approval to the City Commission. At the time of the first reading of the ordinance, the City Commission requested that staff re-evaluate the ten percent floor area requirement for accessory uses.

The city evaluated the requirement that no more than ten percent of the floor area shall be used for incidental services. Based on the definition of accessory use in 68-2 and the requirements in Section 68-482, it was determined that these services must be clearly supplementary and incidental to the primary use and that amending this requirement, except for alcoholic beverage establishments, could provide more flexibility in development. Amending this restriction would not

allow for additional density as the square footage of all incidental services is calculated in the allowable floor area.

FUNDING:

It is typically difficult to project the economic impact of land use change, but staff feels this change would result in a positive economic impact. This change would likely make it easier for the smaller hotels that Treasure Island is known for, to expand and diversify their revenue streams and build upon sustainable business practices. Such amenities that can be provided with this change, which will not in any significant way undermine or deteriorate adjoining properties not the city at large, will likely result in more consumer spending at these locations.

For generations families and individuals have been returning to Treasure Island every year. This change that would allow hotels and motels to enhance their customer's experiences and would work to ensure current and future generations too will return to Treasure Island.

MOTION:

I move to approve Resolution 2024-04, which recommends adoption of revised Ordinance of 2024-03 to the City Commission.

ATTACHMENTS:

Ordinance 2024-03 removing 50 room limitation (02683627-3).docx
Resolution 2024-04 for Ordinance on 50 Hotels Rooms (02712819-2).docx
Ordinance_2024-03_Business_Impact_Statement.docx

ORDINANCE 2024-03

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING SECTION 3-4 "PROXIMITY OF ESTABLISHMENTS TO CHURCH OR SCHOOL—EXCEPTION" BY REMOVING THE 50 ROOM REQUIREMENT FOR HOTELS FROM THE EXCEPTION; AMENDING SECTION 68-302 "USES PERMITTED'' TO CORRECT A CODIFICATION ERROR; DISTINGUISHING BETWEEN ACCESSORY USE AND INCIDENTAL SERVICES IN HOTELS AND MOTELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the language in Chapter 68, Section 68-484 has been codified in the City of Treasure Island Ordinances since 1961; and

WHEREAS, Section 68-484 states that incidental services used in connection with either motels or hotels, including cigar and candy stands, restaurants and lounges, personal service shops and similar uses, may be permitted by special exception of the planning and zoning board provided at least 50 hotel/motel units shall be contained within the building; and

WHEREAS, the City has evaluated the requirement for 50 hotel/motel rooms for certain accessory uses and determined that the 50-room requirement is associated with Section 561.20, Florida Statutes "Limitation of number of licenses issued" which dates back to at least 1949 and limited the number of liquor licenses per city or town based on the number of residents; and

WHEREAS, between 1959 and 1960 Section 561.20(2), Florida Statutes was amended and increased the room requirement for the issuance of a special license to a hotel or motel; and

WHERESAS, Section 561.20(2), Florida Statutes currently states that the limitation on the number of licenses does not prohibit the issuance of a special license to a hotel or motel with greater than 100 rooms in a county with a population of 50,000 residents or more; and

WHEREAS, Section 561.20 governs the number and type of licenses issued; and

WHEREAS, the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages, and Tobacco (DABT), is the agency charged with issuing alcohol beverage licenses and regulating state alcohol beverage laws pursuant to Sections 561.02 and 561.08, Florida Statutes; and

WHEREAS, also Chapter 79-554, Laws of Florida, provided a limitation on alcohol licenses to hotels in Pinellas County; and

WHEREAS, through research and consultation with the Pinellas County Attorney's office, it was determined that Chapter 79-554, Laws of Florida, is no longer in effect; and

WHEREAS, the City has determined that the 50-room requirement is outdated and that liquor licenses for hotels/motels are regulated by other governmental agencies; and

WHEREAS, the City has also determined that the requirement limits accessory uses in hotels of less than 50 rooms that may otherwise be permitted by special exception; and

WHEREAS, the City has determined it to be in the public interest to identify alcoholic beverage establishments as a special exception, incidental use which is limited to 10% of the total floor area of the principal building; and

WHEREAS the City desires to correct the codification in Section 68-302; and

WHEREAS, the Local Planning Agency met on May 30, 2024, and recommended approval of the following revisions to the Land Development Regulations; and

WHEREAS, the City Commission has reviewed the relevant current Code provisions of the City of Treasure Island and finds that certain modifications are necessary and desirable; and

WHEREAS, the City Commission determines that the adoption of this Ordinance is in the interest of the public health, safety and welfare of the City and its residents.

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

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

SECTION 2. That Section 3-4 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 3-4 - Proximity of establishments to church or school—Exception.

No license shall be granted for any location which is closer than 300 feet from any public school building. This provision shall not apply to licenses for retail liquor or package stores when located within a hotel ~~of~~ 50 ~~rooms or more~~.

SECTION 3. That Section 68-302 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Section 68-302 – Uses Permitted.

The following uses shall be allowed within an RFH-50 zoning district as permitted, special exception or accessory uses as set forth herein:

(1) Permitted uses. The following permitted uses shall be allowed within an RFH-50 zoning district:
a. Hotel and motel;
b. Dwelling, tourist;
c. Dwelling, residential;
d. Essential services;
e. Public park and recreational areas;
f. Public administrative facilities;
g. Home occupation as set forth in section 68-493;
h. Telecommunication antennas attached to existing structures which comply with section 68-465 are prohibited;
i. Group homes;
j. Community residential homes;
k. Parking, special event and temporary (per section 68-486);
l. Parking lot, off-street, and shared (per section 68-486).

(2) Special exception uses. Upon application and after a favorable determination by the planning and zoning board that all conditions and provisions of special exception uses have been complied with and that the proposed use is consistent with sound zoning practices, the following special exception uses may be permitted in an RFH-50 zoning district:
a. Retail store;
b. Personal service store;
c. Business and professional office;
d. Commercial recreational use;
e. Automobile, boat and vehicle rental agency;
f. Alcoholic beverage establishments;
g. Convenience store;
h. Restaurant;
i. Religious institution use;
j. Parking, temporary (per section 68-486);
k. Parking lot, off-site, and remote (per section 68-486).

(3) Accessory uses. The following accessory uses shall be allowed in an RFH-50 zoning district:
a. Private swimming pool and/or beach shelter;
b. Private recreational areas for the exclusive use of occupants and guests of a permitted or approved special exception use;
c. Off-street parking and loading area;
d. Private parking structure or parking lot;
e. Commercial uses accessory to a permitted use or approved special exception use as provided for within article VII (see section ~~68-493~~ 68-484);
f. Other accessory uses customarily incident to a permitted use or approved special exception use, not including the conduct of business and as limited by article VII.

SECTION 4. That Section 68-484 of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 68-484. - Accessory uses and Incidental Services in motels or hotels.

(a) ~~Incidental services used in connection with either motels or hotels,~~ Accessory uses which include~~ing cigar and candy stands,~~ restaurants, ~~and lounges,~~ alcoholic beverage establishments personal service stores ~~shops~~ and similar uses, may be permitted as allowed in the zoning district, by special exception of the planning and zoning board, provided the following conditions are fulfilled:

~~(1) At least 50 hotel/motel units shall be contained within the building group.~~
(~~2~~1) Alcoholic beverage establishments shall not exceed ~~more than~~ ten percent of the total floor area ~~within the~~ of the principal building~~s~~. ~~shall be so used~~.
(~~3~~2) All such ~~incidental services~~ accessory uses shall be situated within the principal building.

(b) Incidental services used in conjunction with either ~~small~~ hotels or motels ~~of less than 50 units~~ are permitted ~~as an accessory use~~, provided the following conditions are fulfilled:

(1) Such incidental services shall be related to the needs of motel or hotel guests and may include tobacco products, snack and candy items, newsstand, pool and beach supplies and similar items.
(2) Not more than 200 square feet of the total floor area of the principal building shall be so used.

SECTION 5. SEVERABILITY.
It is the intention of the City Commission that each provision hereof be considered severable, and, if any section, subsection, sentence, or provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected.

SECTION 6. CONFLICT.
All ordinance or portions of ordinances in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 7. CODIFICATION.
Sections 2 - 4 of this ordinance shall be codified in the Code of Ordinances for the City of Treasure Island, Florida. The codifier is authorized to renumber or reclassify such other provision of the Code of Ordinance to accomplish such intention. The codifier is also authorized to make editorial changes not affecting the substance of this Ordinance in the substitution of article, ordinance, section, paragraph, or such other appropriate word or phrase in order to accomplish such intention.

SECTION 8. EFFECTIVE DATE.
This Ordinance shall take effect immediately upon its final passage.

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

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

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

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

YEAS:

NAYS:

ABSENT OR ABSTAINING:

_____
Tyler Payne, Mayor

ATTEST:

_____
Celine Kidwell, City Clerk

Approved as to form:

_____
Jennifer R. Cowan, City Attorney

LOCAL PLANNING AGENCY
RESOLUTION NO. 2024-04

A RECOMMENDATION TO THE CITY OF TREASURE ISLAND CITY COMMISSION FOR THE APPROVAL OF AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING SECTION 3-4 "PROXIMITY OF ESTABLISHMENTS TO CHURCH OR SCHOOL—EXCEPTION" BY REMOVING THE 50 ROOM REQUIREMENT FOR HOTELS FROM THE EXCEPTION; AMENDING SECTION 68-302 "USES PERMITTED'' TO CORRECT A CODIFICATION ERROR; AMENDING SECTION 68-484 "ACCESSORY USES IN MOTELS OR HOTELS" BY DISTINGUISHING BETWEEN ACCESSORY USES AND INCIDENTAL SERVICES.

WHEREAS, Section 163.3174, Fla. Stat., provides for the establishment of a "local planning agency"; and

WHEREAS, Section 163.3174, Fla. Stat., describes the duties and responsibilities of a Local Planning Agency, which include preparing and making recommendations of comprehensive plan amendments and proposed land development regulation amendments; and

WHEREAS, on March 21, 2024, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed amendments provided herein and found the amendments consistent with the Treasure Island Comprehensive Plan and its elements; and

WHEREAS, on March 21, 2024, the Planning and Zoning Board, sitting as the Local Planning Agency, held a public hearing on Ordinance 2024-03 amending Chapter 68, Zoning Regulations and has considered the information received at said public hearing; and

WHEREAS, on March 21, 2024, the Planning and Zoning Board, sitting as the Local Planning Agency, recommended approval of Ordinance 2024-03 to the City Commission through Resolution 2024-02; and

WHEREAS, on March 26, 2024, the City Commission reviewed the proposed amendments provided herein and requested that the city re-evaluate the requirement in Section 68-484(2); and

WHEREAS, on May 30, 2024, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed amendments provided herein and found the amendments consistent with the Treasure Island Comprehensive Plan and its elements and;

WHEREAS, on May 30, 2024, the Planning and Zoning Board, sitting as the Local Planning Agency, held a public hearing on Ordinance 2024-03 amending Chapter 68, Zoning Regulations and has considered the information received at said public hearing; and

WHEREAS, on May 30, 2024, the Planning and Zoning Board, sitting as the Local Planning Agency, recommended approval of Ordinance 2024-03 to the City Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Local Planning Agency of the City of Treasure Island, Florida, in a public meeting assembled:

The City of Treasure Island Local Planning Agency hereby transmits to the City Commission the proposed amendments to the Land Development Regulations, as set forth in Exhibit "A", Ordinance 2024-03, with the recommendation to approve said amendments.

PASSED AND DULY ADOPTED BY THE CITY OF TREASURE ISLAND LOCAL PLANNING AGENCY, 3OTH DAY OF MAY 2024.

TREASURE ISLAND LOCAL PLANNING AGENCY

_____ _____

Richard Harris, Chair Date
Local Planning Agency

City of Treasure Island
Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
ORDINANCE 2024-03

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING SECTION 3-4 "PROXIMITY OF ESTABLISHMENTS TO CHURCH OR SCHOOL—EXCEPTION" BY REMOVING THE 50 ROOM REQUIREMENT FOR HOTELS FROM THE EXCEPTION; AMENDING SECTION 68-302 "USES PERMITTED'' TO CORRECT A CODIFICATION ERROR; DISTINGUISHING BETWEEN ACCESSORY USE AND INCIDENTAL SERVICES IN HOTELS AND MOTELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

Question 1. Does the proposed ordinance meet one or more of the exceptions listed below? If so, then please check the applicable exception below and move to Question 2. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by section 166.041(4), Florida Statutes, for the proposed ordinance. If there is no applicable exception, proceed with completing the business impact estimate at Question 3.

☐ The proposed ordinance is required for compliance with Federal or State law or regulation;

☐ The proposed ordinance relates to the issuance or refinancing of debt;

☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;

☐ The proposed ordinance is an emergency ordinance;
☐ The ordinance relates to procurement; or
☒ The proposed ordinance is enacted to implement the following:
   a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
   b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
   c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
   d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Question 2. Based on the exception you selected above and in accordance with the provisions of the controlling law, please provide an explanation below of why the ordinance meets the exception(s).

Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation. Part II of Chapter 163 exempts ordinances related to land development regulation. Chapter 68 is included within the Land Development Regulations of the City of Treasure Island.

Question 3. If there is no applicable exception, proceed with completing the below Business Impact Estimate. This Business Impact Estimate may be revised following its initial posting. In accordance, the City hereby publishes the following information:

The Ordinance changes to Chapter 3 do not fall under an exception.

B. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, including the following, if any:

(1) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted; N/A

(2) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; N/A

(3) An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs. N/A

(4) Any other direct economic impacts of the proposed ordinance on private, for-profit businesses in the City that are not covered by (1), (2), or (3): The proposed Ordinance will allow more options for accessory uses in hotels of less than 50 rooms.

C. Good faith estimate of the number of businesses likely to be impacted by the ordinance: Approximately up to 40 businesses could be impacted by the proposed Ordinance (depending on current and allowed density).

D. Additional information the governing body deems useful (if any): N/A

AGENDA ITEM NO. 6.B

Item Cover Page

LOCAL PLANNING AGENCY AGENDA ITEM REPORT

DATE: May 30, 2024

SUBMITTED BY: Kathryn Younkin, Community Development

ITEM TYPE: Presentations

AGENDA SECTION: PRESENTATION OF ITEMS

SUBJECT: Workshop to review draft Ordinances for Chapter 8 - Building and Chapter 66 - Floodplain Management.

BACKGROUND:

The City received funding through the Southwest Florida Water Management District's Cooperative Funding Initiative program to perform a City-wide evaluation of the City's stormwater system through the development and utilization of a stormwater model. The evaluation identified where stormwater capital improvements are needed to improve the level of service and the quality of water discharged to the Gulf of Mexico and Boca Ciega Bay. The resulting Watershed Management Plan (WMP) was adopted early 2021 to replace the City's former 1996 Master Drainage Plan and provide planning and management strategies to enhance the City's resilience to sea level rise.

The WMP identifies resiliency measures to mitigate the impacts of sea level rise to the barrier island. With some localized areas under elevation 2.0 feet (NAVD88), mean sea level projections in the Year 2100 would result in drastic impacts to quality of life within the community. Citywide terrain modifications, to achieve an average roadway elevation of 5.1 feet (NAVD88), will mitigate this risk while facilitating the use of conventional stormwater collection and management techniques. Implementing this resiliency measure will fundamentally alter how development is designed, permitted and constructed within the City. As a "no fill" City, current regulations specifically restrict the use of fill material for public and private improvements. New development guidelines would require the use of fill material by establishing minimum low-

floor elevations for structures and terrain modification goals for public infrastructure.

As a barrier island, Treasure Island faces unique and imminent challenges. Successful implementation of the WMP provides a crucial path forward to help ensure that the City is given the opportunity to thrive into the future. While the Implementation Plan will provide an achievable location-specific tiered approach, a successful outcome relies on thorough and strategic consideration of the use of fill throughout the City.

WMP Key Recommendations:

Elevation of low-lying sections of the City and roadway network to the highest achievable terrain modification goal: immediate, intermediate or long-term;

Expansion of water quality requirements within the Land

Development Regulations;

Pursuit of additional Community Rating System (CRS) creditable activities;

A continuation of the City's outfall maintenance program and the incorporation of existing outfalls into future projects;

Strategic implementation of backflow prevention technology; and

Promotion of low impact development (LID) projects.

POLICY/PURPOSE:

The purpose of this item is to present the two draft Ordinances for review and discussion.

STRATEGIC PLAN RELEVANCE:

Environmental Sustainability Road Map
Goal 1: Become an environmentally sustainable and resilient community.
Objective 2: Rise above sea level challenges.
Bold Action: Update seawall and shoreline development codes.
Infrastructure Road Map
Goal 1: Protect City assets to sustain the future of Treasure Island.
Objective 1: Assess status, and maintain City-owned infrastructure (seawalls, stormwater, sanitary sewer, roads and buildings).

ANALYSIS/DISCUSSION:

ANALYSIS/DISCUSSION:
As a result of the Watershed Management Plan, the Terrain

Modification Program was developed by the City of Treasure Island as a response to the threat of sea level rise. It is an innovative, comprehensive plan to address sea level rise in a manner that preserves the quality of life that our community enjoys today. Sea level rise is already impacting the City's stormwater drainage both during rainfall events and in the absence of rainfall during what is called 'sunny day flooding' events. This program focuses on changing the way we develop to address today's challenges and prepare us for the continued impact that sea level rise will have on our roadway network and stormwater systems. The Program consists of two parts: the Terrain Modification Manual and several corresponding code revisions. The Terrain Modification Manual is the rulebook for Builders, Engineers, Developers and City personnel on how to properly design and construct terrain modification projects within our community. The supporting code revisions rethink how we handle stormwater on the island in an environment of rising seas. These code revisions will also serve to codify the principals and procedures outlined within the Terrain Modification Manual.

Terrain modification is the purposeful inclusion of fill to elevate the ground beneath and around single-family, commercial, and public infrastructure projects. By altering the physical terrain of our City over time, we can reduce the impacts that sea level rise will have on our daily lives. Historically, fill material has not been permitted within the City. The transition away from no-fill policies requires a strategic approach to how fill is used. The Terrain Modification Manual outlines a series of review criteria to mitigate for impacts to adjacent properties and overall site functionality. This ensures that terrain modification is pursued in a smart and equitable manner. In many cases, the elevation of private property is needed to allow the City to be able to elevate adjacent roadways to meet the terrain modification goals that are identified in the Manual.

The concepts for these two building and floodplain Ordinances have been discussed at previous workshops and are now being presented in draft Ordinance format.

FUNDING:

No funding is requested at this time.

MOTION:

Not required. A future meeting will present the LDR content in final Ordinance format, bringing it to the LPA for a Resolution at that time.

ATTACHMENTS:

Ordinance 2024-XX (amending chapter 8).pdf
Ordinance 2024-XX (amending chapter 66).pdf

ORDINANCE 2024-XX

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 8 "BUILDING REGULATIONS AND FIRE CODE" OF THE CITY OF TREASURE ISLAND CODE OF ORDINANCES BY REVISING SECTION 8-1, "BUILDING CODES-ADOPTED", TO REFERENCE THE FLOOD RESISTANT AMENDMENTS TO THE BUILDING CODE THAT WERE MOVED TO CHAPTER 66 OF THE CODE AND TO REVISE THE OWNER BUILDER PROVISIONS IN ACCORDANCE WITH FLORIDA STATUTES; REVISING ARTICLE IV. – FIRE CODE, SECTION 88-8 – APPENDICES B, E AND G OF NFPA 1, FIRE PREVENTION CODE ADOPTED; PROVIDING FOR A FISCAL IMPACT STATEMENT; PROVIDING FOR TRANSMISSION TO THE FLORIDA BUILDING COMMISSION; PROVIDING FOR CONFLICT, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 8 of the City Code of Ordinances ("Code"), entitled "Building Regulations and Fire Code," regulates the applicable Florida Building Code and Florida Fire Code provisions in the City; and

WHEREAS, the Florida legislature recently revised Chapter 553 of the Florida Statutes (the "Florida Building Code") to provide that administrative or technical amendments to the Florida Building Code related to flood resistance in order to implement the National Flood Insurance Program or incentives do not have to follow the same process as the traditional administrative or technical amendments to the Florida Building Code;

WHEREAS, the City desires to make the revisions contained in this Ordinance to reference the flood resistant Florida Building Code amendments moved to Chapter 66 of the Code and revise the owner builder provisions in accordance with Florida Statutes; and

WHEREAS, the revisions contained in this Ordinance are not discriminatory against materials, products or construction techniques of demonstrated capabilities and do not introduce a new subject not already addressed in the Florida Building Code; and

WHEREAS, the references to the Florida Building Code and Florida Fire Prevention Code have been revised to remove the specifically adopted year and to reflect that the year is as amended; and

WHEREAS, the City Commission has reviewed the relevant current Code provisions of the City of Treasure Island and finds that certain modifications are necessary and desirable to revise various requirements in the Code; and

WHEREAS, the State of Florida, Division of Emergency Management, Office of Financial Management through its Federal Emergency Management Agency ordinance consultant has reviewed and approved these revisions; and

WHEREAS, the City Commission determines that the adoption of this Ordinance is in the interests of the public health, safety and welfare of the City and its residents.

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

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

SECTION 2. That section 8-1, Building codes-Adopted, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 8-1. Building codes—Adopted.

(a) The city hereby adopts and incorporates by reference herein the Florida Building Code, and all specific volumes and standards contained therein, promulgated by the state building commission pursuant to F.S. ch. 553, pt. IV, as amended from time to time. The provisions of this section shall govern the administration and enforcement of the Florida Building Code within the municipal limits of the city. The codes are hereby adopted by reference as if set out at length in this section.

(1) Florida Building Code—Building~~, 2020 Edition,~~ as may be amended from time to time.

(2) Florida Building Code—Residential~~, 2020 Edition,~~ as may be amended from time to time.

(3) Florida Building Code—Plumbing~~, 2020 Edition,~~ as may be amended from time to time.

(4) Florida Building Code—Mechanical~~, 2020 Edition,~~ as may be amended from time to time.

(5) Florida Building Code—Existing Building~~, 2020 Edition,~~ as may be amended from time to time.

(6) Florida Building Code—Fuel Gas~~, 2020 Edition,~~ as may be amended from time to time.

(7) Florida Building Code—Accessibility~~, 2020 Edition,~~ as may be amended from time to time.

(8) Florida Building Code—Energy Conservation~~, 2020 Edition,~~ as may be amended from time to time.

(9) National Electrical Code~~, 2020 Edition~~ (NFPA 70)~~,~~ as may be amended from time to time.

a. *Approval required prior to connection to energy source.* It shall be unlawful for any person to make a connection from a supply of electricity or to supply electricity to any electrical equipment the installation of which requires or required an electrical permit or which has been disconnected or ordered to be disconnected by the building official, before the connection or re-connection has been authorized in writing by the building official.

b. *Authority to grant temporary connections.* A 30-day temporary electrical service connection may be granted by the building official if the service wiring is found to be in a safe operating condition and provided an urgent necessity for electrical current exists.

c. *Disconnection of hazardous wiring.* The building official is authorized to disconnect any wiring deemed to be hazardous to life or property. Any violation of this article or the electrical code shall be prima facie evidence of a condition hazardous to life or property.

d. *Equipment grounding.* All raceways shall contain an equipment grounding conductor sized in accordance with Table 392.7B of the National Electric Code as amended.

e. *Surge arresters, number required.* Surge arrestors shall be installed on all service equipment. Where used at a point on a circuit, a surge arrestor shall be connected to each ungrounded conductor. A single installation of such surge arrestors shall be permitted to protect a number of interconnected circuits provided that no circuit is exposed to surges while disconnected from the surge arrestors.

(b) *Local administrative amendments to the Florida Building Code-Building~~, 2020 Edition,~~* as amended from time to time Florida Building Code, Chapter 1, Administration is hereby amended and shall be applicable to all codes (a)(1)—(9). The following sections supplement the Florida Building Code:

(1) *Permitting and inspection.*

a. The inspection or permitting of any building, structure or plan under the requirements of this building code shall not be construed in any court as a warranty of the physical condition of such building or the adequacy of such plan.

b. *Liability.* No employee charged with the responsibility of enforcing or implementing this building code shall be personally liable for any damages for any defective or hazardous or illegal condition or inadequacy in such building, structure or plan, nor for any failure of any component of such building or structure which may occur subsequent to such inspection or

permitting. The building official, when discharging the duties required by this building code or other pertinent law or ordinance, shall not be personally liable for any damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.

This building code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the community improvement department, as described in subsection (2)a. or the city assume any such liability by reason of the inspections authorized by this building code or any permits or certificates issued under this building code.

(2) *Community improvement department.*

a. The community improvement department is hereby designated as the building code enforcement agency under the direction of the building official. This shall not prohibit other authorized persons from enforcing violations of the building code.

b. *General.* The building official is hereby authorized and directed to enforce all the provisions of this building code. For such purposes, the building official shall have all the powers provided for the building official as set forth in the Florida Building Code, state statutes, this Code and any other applicable law. The building official shall have the power to render interpretations of this building code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this building code. This shall not prohibit other authorized persons from enforcing building violations of the building code.

c. *Inspectors.* The building official may appoint inspectors and other employees as shall be authorized from time to time. Persons appointed by the building official shall have the powers delegated to them by the building official.

(3) *Powers and duties of building official.*

a. *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this building code, or when the building official has reasonable cause to believe that there exists in a building or structure, or upon a premises or property a condition that is contrary to or in violation of this building code which makes the building, structure, premises, or property, or any electrical, gas, mechanical, or plumbing systems unsafe, dangerous or hazardous, the building official may enter the building, structure, premises or property at reasonable times to inspect or to perform any duties imposed by this building code. If such building, structure, premises or property are occupied, the building official shall present identification to the occupant and request entry. If such building, structure premises or property are unoccupied, the building official shall

make a reasonable effort to locate the owner or other person having charge or control of the building, structure, premises or property and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

b. *Inspection warrant.* When the building official shall have first obtained an inspection warrant or other authorization provided by law to secure entry, no owner or occupant or any persons having charge, care or control of any building, structure, or premises, or property shall fail or neglect, after request is made, to promptly permit entry by the building official for the purpose of inspection and examination pursuant to this building code.

c. *Stop work notice.* Whenever any building, structure, electrical, gas, mechanical, plumbing or other construction related work is being done contrary to the provisions of this building code, or other laws or ordinances implemented through the enforcement of this building code, or contrary to the condition of a permit, or in a dangerous or unsafe manner, the building official shall require the work stopped by posting a written notice in a conspicuous place on the site or served on any persons engaged in the doing or causing such work to be done. Such persons shall immediately cease and desist the identified work until authorized by the issuance of a new permit, issuance of a revised permit, or when authorized in writing by the building official to proceed with the work. Such notice shall be posted on the site or given either to the owner of the property, or to his agent, or to the person doing the work. Where an emergency exists, the building official may provide verbal notice and shall not be required to give written notice prior to stopping the work but shall provide such written notice within a reasonable time after stopping the work. Failure to cease work after receipt of either the verbal or written notice provided herein shall be a violation of this section. Stop work notices may be issued for all or a portion of the work performed on a site or pursuant to a permit.

d. *Rejection, suspension, revocation.* The building official is authorized to reject a permit application and to suspend or revoke any approval or permit issued under the provisions of this building code whenever the application or approval was made or permit issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation, or any provision of this building code.

e. *Violation of code provisions.* The building official is authorized to suspend or revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which a permit was issued is in violation of, or not in conformity with, the provisions of this building code or the conditions of the permit.

f. *Unsafe buildings, structures, or systems.* All buildings, structures or systems (electrical, gas, mechanical, plumbing) regulated by this building code that are structurally unsafe or not provided with adequate egress, or

that constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures or systems constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other structural members that are supported by, attached to, or a part of a building or structure or systems and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in this building code are hereby designated as unsafe.

All unsafe buildings, structures, or systems are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in chapter 2, administration, article III, code enforcement as amended. The building official may initiate any action to prevent, restrain, correct or abate the public nuisance.

g. *Requirements not covered by code.* The building official may impose any additional requirements necessary for the strength, stability, safety or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically required by this or the other technical codes.

h. *Occupancy violations.* Whenever any building, structure, premises or equipment regulated by this building code is being used in violation of the provisions of chapter 8 "Building Regulations and Fire Code", the building official may order such use discontinued and the structure, or portion thereof, vacated by serving written notice on any person causing such use (e.g., the owner, tenant, occupant or their agents) until such use complies with the requirements of this building code. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice.

i. *Modifications.* When there are practical difficulties involved in carrying out the provisions of this building code, the building official may grant modifications for individual cases. The building official shall first find that specific reasons make the strict letter of this building code impractical and that the modification is in conformance with the intent and purpose of this building code and that such modification does not lessen any fire-protection requirements or any degree of structural integrity. The details of any action granting modifications shall be in writing and recorded and entered in the files of the building official. 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 Section 117 of the ~~2020~~ Florida Building Code.

j. *Tests and surveys.* Whenever there is insufficient evidence of compliance with any of the provisions of this building code or evidence that any material work or construction does not conform to the requirements of this building code or the approved plan or permit, the building official may require tests or surveys to be made at no cost to the city to ensure compliance. Test methods shall be as specified by this building code or by other recognized test standards. If there are no recognized and accepted test methods, the building official shall determine acceptable test methods.

All tests or surveys shall be made by an entity or person approved by the building official. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

k. *Cooperation of other officials and officers.* The building official may request, and shall receive, the assistance and cooperation of other officials including but not limited to police, fire, utilities, codes and public works so far as is required in the discharge of the duties required by this building code or other pertinent law or ordinance.

l. *Owner-builder permits.* The building official may deny the issuance of a permit to an owner if the building official determines that the owner is not capable of performing the work. The building official may determine that an owner is not capable of performing the work if an owner is unable to understand basic construction principles and practices or is unable to effectively understand the basic principles to obtain a construction permit. Owner-builder permits will be processed in accordance with section 489.103, Fla. Stat.

~~1. Owners of residential property, constructing or improving one- or two-family, attached or detached, dwelling or accessory structures on such property for the occupancy or use of such owners and not offered for sale or lease (except for a two-family dwelling, one dwelling may be leased) and when acting as their own contractor and providing direct, onsite supervision themselves of all work not performed by licensed contractors, shall be exempt from the requirement that work be performed by a licensed contractor and the owner may obtain required permits except as provided above.~~

~~2. Owners of property, constructing or improving buildings not included in subsection (b)(3)l.1., excluding electrical work, penetrations of fire related assemblies, installation of fire safety components, or work affecting the means of egress, on such property for the occupancy or use of such owners at a total cost not to exceed $500.00, and not offered for sale or lease and when acting as their own contractor and providing direct, onsite supervision themselves of all work not performed by licensed contractors, shall be exempt from the requirement that work be performed by a licensed contractor and the owner may obtain required permits except as~~

provided above. An owner/contractor will be subject to penalties pursuant to F.S. ch. 489, as amended.

3. In an enforcement action brought under this part, proof of the sale or lease, or offering for sale or lease, of any such building by the owner within one-year after completion of the work or issuance of a certificate of occupancy, whichever is later, creates a presumption that the construction was undertaken for purposes of sale or lease and shall be a violation of this section. This subsection does not exempt any person who is employed by or has a contract with such owner and who acts in the capacity of a contractor.

   The owner may not delegate the owner's responsibility to directly supervise all work to any other person unless that person is registered or certified under this part and the work being performed is within the scope of that person's license.

4. Any owner of property convicted of violating this section shall be prohibited from obtaining a permit pursuant to this exemption for a period of two years from the approval date of all required final inspections or the conviction or, if appealed, the date of the final appellate decision, whichever is later.
5. To qualify for exemption under this subsection, a property owner must personally appear and sign the permit application. The building official may accept a notarized permit application if the property owner is unable to personally appear and sign the permit application. The building official shall provide the property owner with a disclosure statement in substantially the following form:

   OWNER/BUILDER AFFIDAVIT
   Disclosure Statement

   State law requires construction to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own contractor with certain restrictions even though you do not have a license.

   As Owner/Builder you must provide direct, on-site supervision of the construction yourself. You may build or improve a one-family or two-family residential dwelling. You may also build or improve a commercial building, provided your costs do not exceed five hundred dollars ($500.00). The building or residential dwelling must be owned by you and for your own use or occupancy. The building or residential dwelling may not be built or substantially improved with the intent to sell or lease. If you sell or lease a building you have built or substantially improved yourself within one year after the construction

~~is complete, the law will presume that you built or substantially improved it for sale or lease, which is a violation of this exemption.~~

~~As Owner/Builder, you must provide direct, onsite supervision of the construction yourself. You may not hire an unlicensed person to act as your contractor or to supervise people working on your building. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. You may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. Any person working on your building who is not licensed must work under your direct supervision and must be employed by you, which means that you must deduct F.I.C.A. and withholding tax and provide workers' compensation for that employee, all as prescribed by law.~~

~~As owner/builder, your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations. You are responsible for acquiring all permits, approvals, plan submittal approvals and required inspections. You may be ordered to obtain an existing condition survey of the property and or a site plan locating the proposed work.~~

m. *Certificate of occupancy, exception.* A certificate of occupancy shall not be required for:

1. A change of ownership or tenancy in a building, for which a certificate of occupancy was issued, provided there has been no remodeling or alterations to the building to change its approved use. This exemption shall not apply to indoor or outdoor eating or drinking establishments (e.g., restaurants, bars, lounges) or to residential rental property which has not paid a local business tax for more than two years.
2. Home occupations. This section shall not prohibit the building official or fire chief from conducting inspections that are necessary to protect the health, safety and welfare of the occupants and the general public.

n. *Violations and penalties.* The city may pursue code enforcement actions against any person who violates any provision of this building code or fail to comply therewith or with any of the requirements thereof or any order of the building official, or who shall erect, construct, alter, demolish or move any structure, or has caused or allowed to be erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this building code, as provided in chapter 2, administration, article III, code enforcement. The imposition of a fine does not prevent the revocation or suspension of a license, permit or franchise, or the imposition of civil fines or other administrative actions, including action pursuant to F.S. ch. 162, as amended.

For violation(s) of the requirements of the flood provisions of the Florida Building Code, the building official may take action as cited within this Code and, if the violation is not resolved or corrected, such action may include submitting a request to the federal emergency management agency (FEMA) to remove the respective property's eligibility for flood insurance coverage through the national flood insurance program.

o. *Appeals.* Any person aggrieved by a ruling of the building official or fire chief may file a written appeal to the county construction licensing — board of appeals ("board") or its successor as provided in Laws of Florida Chapter 75-489, as amended, provided such ruling is within the appellate jurisdiction of such board.

(4) *Severability.* If any section, subsection, sentence, clause or phrase of this building code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this building code.

(c) [Administrative and Technical amendments—Florida Building Code, Building.]

Modify Section 110.3, see Chapter 66, Sec. 301.5. ~~as follows:~~

~~[A] 110.3 Required Inspections.~~ ~~The building official upon notification from the permit holder or his or her agent shall make the following inspections and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.~~

~~Building~~ ~~[partial shown]~~

~~1.1. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the FEMA Elevation Certificate shall be submitted to the authority having jurisdiction.~~

~~6.1. In flood hazard areas, as part of the final inspection, a final FEMA Elevation Certificate of the lowest floor elevation shall be submitted to the authority having jurisdiction.~~

Modify Section 202, see Chapter 66, Article II. Definitions and Sec. 66-104.3.

Add a new Section 1612.4.3, see Chapter 66, Sec. 66-301.6 for additional design requirements. ~~As follows:~~

~~1612.4.3 Additional design requirements.~~ ~~The following additional design requirements apply:~~

~~1. Structural fill and solid foundation walls, including backfilled stem walls, shall not be used to support or elevate buildings.~~

~~2. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 2 feet (610 mm), whichever is higher.~~

3. ~~Enclosures below elevated buildings shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless required by the fire code.~~

Modify Section 1612.5, see Chapter 66, Sec. 66-301.5. ~~as follows:~~

~~1612.5 Flood hazard documentation.~~ ~~The following documentation shall be prepared and sealed by a registered design professional and shall be submitted to the building official:~~

~~For construction in flood hazard areas not subject to high-velocity wave action:~~

~~1.1. The elevation of the lowest floor, including basement, as required by the lowest floor elevation inspection in Section 110.3, Building, 1.1 and for the final inspection in Section 110.2, Building, 5.1.~~

~~1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.7.2.1, ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.7.2.2 of ASCE 24.~~

~~1.3. For dry floodproofed nonresidential buildings, construction documents shall include a FEMA Floodproofing Certificate (FEMA Form 086-34) to certify that the dry floodproofing is designed in accordance with ASCE 24.~~

~~Remainder unchanged~~

(d) *[Technical amendments—Florida Building Code, Residential.]*

Modify Section R322.2.1, see Chapter 66, Sec. 301.5 and Sec. 301.6. ~~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 2 feet or the design flood elevation, whichever is higher.~~
2. ~~In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 2 feet, or not less than 4 feet if a depth number is not specified.~~
3. ~~Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 2 feet or the design flood elevation, whichever is higher.~~

4. Elevation of buildings and structures shall be achieved by use of pilings or columns; structural fill and solid foundation walls shall not be permitted.

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.

Modify Section R322.2.2, see Chapter 66, Sec. 301.6. as follows:

R322.2.2 Enclosed areas below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building accessor storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless required by the fire code.
2. Be provided with flood openings that meet the following criteria:
   2.1. There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings on exterior walls.
   2.2. The total net area of all openings shall be at least 1 square inch (645 mm^2) for each square foot (0.093 m^2) of enclosed area, or the openings shall be designed and the construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 2.6.2.2 of ASCE 24.
   2.3. The bottom of each opening shall be 1 foot (305 mm) or less above the adjacent ground level.
   2.4. Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.
   2.5. Any louvers, screens or other opening covers shall allow the automatic flow of floodwaters into and out of the enclosed area.
   2.6. Openings installed in doors and windows, that meet requirements 2.1 through 2.5, are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.

Modify Section R322.2.3, see Chapter 66, Sec. 301.6. as follows:

Section R322.2.3 Foundation design and construction.

Foundation walls for buildings and structures erected in flood hazard areas shall be pilings or columns, shall be designed by a registered design professional to resist flood loads, and shall meet the requirements of Chapter 4.

Add a new Section R322.2.6

~~**322.2.6 Construction documents.** The construction documents shall include documentation that is prepared and sealed by a registered design professional that the design and methods of construction to be used meet the applicable criteria of this section.~~

Modify Section R322.3.2, see Chapter 66, Sec. 66-301.6 and Sec. 66-303.5. ~~as follows:~~

~~**R322.3.2 Elevation requirements.**~~

~~1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest of horizontal structural members supporting the lowest floor, with the exception of, piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 2 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. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.5 and R322.3.6.~~

Modify Section R322.3.3, see Chapter 66, Sec. 66-301.6 and Sec. 66-303.5. ~~as follows:~~

~~**R322.3.3 Foundations.** Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.5. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this Code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.9. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24.~~

~~**Modify Section R322.3.5 as follows:**~~

~~**R322.3.5 Walls below design flood elevation.** Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:~~

~~1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and~~

~~2. Are constructed with insect screening or open lattice; or~~

~~3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pascals) and no more than 20 pounds per square foot (958 Pascals); or~~

~~4. Where wind loading values of this Code exceed 20 pounds per square foot (958 Pascals), the construction documents shall include documentation prepared and sealed by a registered design professional that:~~

~~4.1. The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.~~

~~4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this Code.~~

~~5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.~~

~~**Modify Section R322.3.6 as follows:**~~

~~**R322.3.6 Enclosed areas below the design flood elevation.** Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless required by the fire code.~~

(e) *[Technical amendments—Florida Building Code, Existing Building.]*

Modify Section 202. see Chapter 66, Article II. Definitions and Sec. 66-104.3.

…

ARTICLE IV. FIRE CODE

Sec. 8-88. - ~~Appendices B, E and G of NFPA 1,~~ Fire Prevention Code adopted.

The City hereby adopts and incorporates by reference herein the Florida Fire Prevention Code, and all specific volumes and standards contained therein; as adopted by the State Fire Marshal pursuant to F.S. ch 633.302, as amended from time to time. The Florida Fire Prevention code includes NFPA 1 Fire Code and NFPA 101 Life Safety Code. ~~Appendices B, E and G of NFPA 1, Fire Prevention Code of the National Fire Protection Association, are hereby adopted and included as part of the fire code of the city, except for any provisions which are specifically deleted, modified or amended. Any other appendices thereof are specifically not adopted.~~

SECTION 3. FISCAL IMPACT STATEMENT. In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program and the owner-builder revisions are merely to reflect current statutes. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 4. TRANSMISSION TO THE FLORIDA BUILDING COMMISSION. The City Commission directs the clerk to transmit this ordinance to the Florida Building Commission within thirty (30) days of its adoption in accordance with section 553.73, Fla. Stat.

SECTION 5. SEVERABILITY. It is the intention of the City Commission that each provision hereof be considered severable, and, if any section, subsection, sentence, or provision of this ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 6. CONFLICT. All ordinance or portions of ordinances in conflict with or inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 7. CODIFICATION. Section 2 of this Ordinance shall be codified in the Code of Ordinances for the City of Treasure Island, Florida. The codifier is authorized to renumber or reclassify such other provision of the Code of Ordinance to accomplish such intention. The codifier is also authorized to make editorial changes not affecting the substance of this Ordinance in the substitution of article, ordinance, section, paragraph, or such other appropriate word or phrase in order to accomplish such intention.

SECTION 8. EFFECTIVE DATE. This ordinance shall take effect immediately upon its final passage.

FIRST READING and PUBLIC HEARING on the __ day of ___, 2024.

SECOND READING and PUBLIC HEARING on the __ day of ___, 2024.

PUBLISHED in the Tampa Bay Times on the __ day of ___, 2024.

The foregoing ordinance was offered during the meeting of the City Commission of the City of Treasure Island, Florida, sitting on the __ day of _____, 2024 by Commissioner _____ who moved its adoption; was seconded by Commissioner _____ and upon roll call, the vote was:

YEAS:

NAYS:

ABSENT OR ABSTAINING:

_____
J. Tyler Payne, Mayor

ATTEST:

_____
Celine Kidwell, City Clerk

DRAFT

ORDINANCE 2024-XX

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 66 "FLOODPLAIN MANAGEMENT" OF THE CITY OF TREASURE ISLAND CODE OF ORDINANCES BY REVISING SECTION 66-102.3, "BASIS FOR ESTABLISHING FLOOD HAZARD AREAS", TO UPDATE THE ADDRESS OF CITY HALL; REVISING SECTIONS 66-104.1, "PERMIT REQUIRED', SECTION 66-302.1, "MINIMUM REQUIREMENTS, SECTION 66-301.1, MINIMUM REQUIREMENTS", AND 66-307.4, "OTHER DEVELOPMENT IN COASTAL HIGH HAZARD AREAS (ZONE V) AND COASTAL A ZONES" TO REFERENCE THE CITY'S TERRAIN MODIFICATION MANUAL; REVISING SECTION 66-104.3, "APPLICATION FOR A PERMIT OR APPROVAL", TO UPDATE THE REQUIREMENTS FOR APPLICATIONS FOR FLOODPLAIN DEVELOPMENT PERMITS; REVISING SECTION 66-105.1, "INFORMATION FOR DEVELOPMENT IN FLOOD HAZARD AREAS", TO UPDATE REQUIREMENTS FOR SITE PLANS AND CONSTRUCTION DOCUMENTS FOR DEVELOPMENTS SUBJECT TO THE CHAPTER; REVISING ARTICLE II, "DEFINITIONS', TO UPDATE THE APPLICABLE DEFINITIONS FOR TERMS USED IN THE CHAPTER; CREATING SECTION 66-301.5, "FLORIDA BUILDING CODE, ADMINISTRATIVE AMENDMENT" TO REQUIRE THE SUBMITTAL OF A CERTIFICATION FORM FOR CERTAIN ELEVATIONS OF BUILDINGS IN FLOOD HAZARD AREAS; CREATING SECTION 66-301.6, "FLORIDA BUILDING CODE, TECHNICAL AMENDMENTS", TO PROVIDE CERTAIN LIMITATIONS ON BUILDINGS IN FLOOD HAZARD AREAS; REVISING SECTION 66.303-5, "LIMITATIONS ON PLACEMENT OF FILL", TO SUBSTANTIVELY REVISE THE CITY'S REGULATION OF FILL; REVISING SECTION 66-304.1, "GENERAL", TO REVISE THE DEFINITION OFF MANUFACTURED HOMES IN THE SECTION; REVISING SECTION 66-306.1, "UNDERGROUND TANKS", TO REQUIRE PROTECTIVE MEASURES WHEN SUBMERGING UNDERGROUND TANKS; REVISING SECTION 66-306.2, "ABOVE-GROUND TANKS, NOT ELEVATED", TO REQUIRE PROTECTIVE MEASURES WHEN SUBMERGING ABOVE-GROUND TANKS; REVISING SECTION 66-307.2, "CONCRETE SLABS USED

AS PARKING PADS, ENCLOSURE FLOORS, LANDINGS, DECKS, WALKWAYS, PATIOS AND SIMILAR NONSTRUCTURAL USES IN COASTAL HIGH HAZARD AREAS (ZONE V) AND COASTAL A ZONES", TO REQUIRE THAT SUCH SLABS HAVE NO TURNED DOWN OR THICKENED EDGES; REVISING SECTION 66-307.3, "DECKS AND PATIOS IN COASTAL HIGH HAZARD AREAS (ZONE V) AND COASTAL A ZONES", TO REVISE THE REGULATION OF CERTAIN DECKS AND PATIOS;; DELETING SECTION 66.307.5, "NONSTRUCTURAL FILL IN COASTAL HIGH HAZARD AREAS (ZONE V) AND COASTAL A ZONES" IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 66 of the City Code of Ordinances ("Code"), entitled "Floodplain Management," regulates the management of floodplains within the City; and

WHEREAS, the City has adopted its Terrain Modification Manual desires to make the revisions contained in this Ordinance update the City's regulations; and

WHEREAS, the Florida legislature recently revised Chapter 553 of the Florida Statutes (the "Florida Building Code") to provide that administrative or technical amendments to the Florida Building Code related to flood resistance in order to implement the National Flood Insurance Program or incentives do not have to follow the same process as the traditional administrative or technical amendments to the Florida Building Code;

WHEREAS, the City desires to make the revisions contained in this Ordinance to incorporate administrative or technical amendments to the Florida Building Code related to flood resistance; and

WHEREAS, the Planning and Zoning Board has held several public workshops and meetings to discuss these revision and recommends approval of such revisions; and

WHEREAS, the State of Florida, Division of Emergency Management, Office of Financial Management through its Federal Emergency Management Agency ordinance consultant has reviewed and approved these revisions; and

WHEREAS, this ordinance revises the land development regulations and therefore, pursuant to s. 166.041(4)(c), Fla. Stat., this ordinance is exempt from the business impact estimate requirement of s. 166.041(4)(a), Fla. Stat.;

WHEREAS, the City Commission has reviewed the relevant current Code provisions of the City of Treasure Island and finds that certain modifications are necessary and desirable to revise various requirements in the Code; and

WHEREAS, the City Commission determines that the adoption of this Ordinance is in the interests of the public health, safety and welfare of the City and its residents.

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

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

SECTION 2. That section 66-102.3, Basis for establishing flood hazard areas, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

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

The flood insurance study for the county and incorporated areas dated August 24, 2021 and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Community Improvement Department of the City of Treasure Island, 10451 Gulf Boulevard ~~120 108th Avenue~~, Treasure Island, Florida 33706.

SECTION 3. That section 66-104.1, Permits required, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 66-104.1 Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this chapter, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official 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 chapter, city's Terrain Modification Manual located in appendix B unless otherwise expressly exempted, and all other applicable codes and regulations has been satisfied.

SECTION 4. That section 66-104.3, Application for a permit or approval, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 66-104.3 Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

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

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

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

(4) Be accompanied by a site plan or construction documents as specified in division 5 of article I, chapter 66.

(5) State the valuation of the proposed work.

(6) Provide documentation to support substantial damage and substantial improvement determinations. When providing this documentation, applicants should review FEMA guidance publications on substantial improvement and substantial damage determinations.

(~~6~~7) Be signed by the applicant or the applicant's authorized agent.

(~~7~~8) Give such other data and information as required by the floodplain administrator.

(9) FEMA Elevation Certificate, FEMA Dry Floodproofing Certificate and FEMA V-Zone Design Certificate as required.

SECTION 5. That section 66-105.1, Information for development in flood hazard areas, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

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

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

(1) Delineation of flood hazard areas and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas (zone V),

coastal A zones, and A/AE flood zones, new buildings shall be located landward of the reach of mean high tide.

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

(4) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(5) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable; delineation of the 1968 Treasure Island Mean High Water Line, as well as any established erosion control line on the site.

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

(7) Other information required by the city's Terrain Modification Manual located in appendix B.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this chapter but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this chapter.

SECTION 6. That article II of chapter 66, Definitions, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

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

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this chapter.

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

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

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

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

Breakaway wall. A partition or wall that is independent of supporting structural members and that is intended to withstand design wind forces but to collapse from a water load less than that which would occur during the base flood, without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Coastal A zone. Area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flooding must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to one and one-half feet (457 mm). The inland limit of the coastal A zone is (a) the limit of moderate wave action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

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

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

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

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

(2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as zone AO, the design flood elevation shall be the elevation of the highest ~~existing~~ natural grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as zone AO where the depth

number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 202.]

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

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

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

Federal emergency management agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the national flood insurance program.

FEMA Elevation Certificate. Form issued by FEMA for documentation and certification of elevations and other information for buildings in flood hazard areas. When used to certify ground and building elevations referenced to datum, the forms shall be prepared, signed, and sealed by Florida licensed professional surveyors or registered design professionals qualified to perform elevation surveys.

FEMA V-Zone Design Certificate. Form Issued by FEMA for documentation and certification of new construction, substantial improvements and the repair of substantially damaged structures.

FEMA Dry Floodproofing Certificate for Non-residential Structures. Form issued by FEMA for certification of design of dry floodproofing measures, certification of ground elevations and the elevation of at-built dry floodproofing measures, and certification that the measures were constructed as designed.

Fill. Material including but not limited to soil, gravel, or crushed stone that is placed in an area to increase ground elevations (see *Structural Fill)* [Also defined in ASCE 24, Section 1.2.]

Finished grade. The finished elevation of a site after all fill, land balancing or site preparations have been completed. The finished elevation shall be inclusive of all grasses, landscaping, decks, patios, slabs or other ground coverings.

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

(1) The overflow of inland or tidal waters.

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

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

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

(1) the area within a floodplain subject to a one-percent or greater chance of flooding in any year.

(2) the area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

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

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

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

Floodplain development permit or *approval.* An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this chapter.

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

Freeboard means a level higher than the base flood elevation. It is a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard compensates for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action or the hydrological effect of urbanization on the watershed.

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

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

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, chapter 12 historic buildings.

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

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

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

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

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

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

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

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

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

Limit of moderate wave action. Line shown on FIRMs to indicate the inland limit of the one and one-half-foot (457 mm) breaking wave height during the base flood.

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

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

Market value. The value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value of the structure before the start of construction (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction), determined by a qualified independent appraiser, or the "Just Value" of the structure, developed by the Pinellas County Property Appraiser's Office (PAO) for Ad Valorem taxation purposes, adjusted to approximate market value, as determined by the PAO. In the case of repair, the market value shall be the actual cash value of the structure before the damage occurred as determined by a qualified independent appraiser, or the “Just Value” of the structure, developed by the Pinellas County Property Appraiser’s Office (PAO) for Ad Valorem taxation purposes, adjusted to approximate market value, as determined by the PAO.

Natural grade. The grade unaffected by construction techniques such as fill, landscaping or berming.

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

Nonstructural fill. Fill that does not serve to support or protect a structure. This may include but not be limited to fill used below parking slabs, decks and patios.

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. All of the city is located in a special flood hazard area. [Also defined in FBC, B, Section 202.]

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

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

Structural fill. Fill placed and compacted to a specified density to provide structural support or protection to a structure.[Also defined in ASCE 24, Section 1.2.]

Structure. That which is built or constructed,

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed ~~50~~ 49 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B, Section 202.]

Substantial improvement. Any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds ~~50~~ 49 percent of the market value of the building or structure before the improvement or repair is started. The period of accumulation begins when a permit is issued for the an improvement or repair of each building subsequent to August 1, 2024. 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:

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

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

Variance. A grant of relief from the requirements of this chapter, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this chapter or the Florida Building Code.

SECTION 7. That section 66-301.5, Florida Building Code, administrative amendment, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby created to read as follows:

Sec. 66-301.5 Florida Building Code, administrative amendment.

(1) Certification forms.

a. Where elevations of buildings in flood hazard areas are specified in applications, and where certification of the elevation of buildings in flood hazard areas is required, the FEMA Elevation Certificate and survey shall be submitted as follows:

1. At time of application, Construction Drawing Elevation Certificate and Pre-Construction Survey;
2. At time of placement of the lowest floor, Under Construction Elevation Certificate and Tie-In Survey;
3. At completion of construction as part of final inspection and prior to Certificate of Occupancy, Finished Construction Elevation Certificate and Final Survey.

b. Where certifications of the design of dry floodproofed non-residential buildings in flood hazard areas are required and where certification of the elevation of dry floodproofing is required, the FEMA Dry Floodproofing Certificate for Non-residential Structures shall be submitted.

c. At the time of application, in Coastal High Hazard Areas and Coastal A zones, a V-Zone Design Certificate is required for new construction, substantial improvements and the repair of substantially damaged structures.

SECTION 8. That section 66-301.6, Florida Building Code, technical amendments, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby created to read as follows:

Sec. 66-301.6 Florida Building Code, technical amendments.

(1) Substantial damage and substantial improvement. In the Florida Building Code, Building and Florida Building Code, Existing Building, definitions for the terms

"Substantial Damage" and "Substantial Improvement" shall be as defined in Article II of this chapter.

(2) Minimum building elevations.

a. The minimum elevation for buildings within the scope of the Florida Building Code, Building, shall be as specified in ASCE 24, the base flood elevation plus two (2) feet, or the design flood elevation, whichever is higher.

b. The minimum elevation for buildings within the scope of the Florida Building Code, Residential, shall be the base flood elevation plus two (2) feet or the design flood elevation, whichever is higher.

(3) Foundation design requirements for buildings within the scope of the Florida Building Code, Residential. Construction documents for buildings in flood hazard areas shall include documentation prepared and sealed by a registered design professional that the foundation design accounts for site-specific flood loads.

(4) Enclosures below required elevations for buildings in flood hazard areas. Enclosed areas below the required elevation for buildings in flood hazard areas shall be limited as follows:

a. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators unless a partition is required by the fire code.

Exception: The limitation on partitions does not apply to dry floodproofed areas in nonresidential structures and non-residential areas in mixed-use structures.

b. Where perimeter walls are permitted, the limitation on partitions does not apply to load-bearing walls interior to perimeter wall (crawlspace) foundations.

SECTION 9. That section 66-302.1 Minimum requirements, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 66-302.1 Minimum requirements.

Subdivision proposals 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 all special flood hazards areas adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(4) The requirements of the city's Terrain Modification Manual located in appendix B have been met.

SECTION 10. That section 66-303.1 Minimum requirements, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 66-303.1 Minimum requirements.

All proposed new development shall be reviewed to determine that:

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

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

(3) Adequate drainage is provided to reduce exposure to flood hazards in all special flood hazard areas. Adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(4) The requirements of the city's Terrain Modification Manual located in appendix B have been met.

SECTION 11. That section 66-303.5 Limitations on placement of fill, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 66-303.5 Limitations on placement of fill.

Subject to the limitations of this chapter, 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.

(1) In coastal high hazard areas (zone V) and coastal A zones:

(a) The use of structural fill is prohibited.

(b) The use of minor quantities of nonstructural fill of up to twenty-four inches thick shall be permitted for landscaping and for drainage purposes, under and around buildings and beneath parking slabs, decks and patios. Nonstructural fill depths greater than twenty-four inches shall not be permitted. Nonstructural fill shall not contain large rocks and debris and shall be similar to and compatible with natural soils in the area. Fill depths shall

be calculated by subtracting the natural grade elevations from the finished grade elevations.

(c) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall not be permitted.

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

(e) The use of nonstructural fill shall adhere to the requirements of the city's Terrain Modification Manual located in appendix B.

(2) In areas not identified as coastal high hazard areas (zone V) and coastal A zones:

(a) The use of structural fill shall comply with the requirements of the Florida Building Code.

(b) The use of structural and nonstructural fill shall adhere to the requirements of the city's Terrain Modification Manual located in appendix B.

~~The use of structural fill is not permitted. Non-structural, uncompacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out during storm surge flooding prior to generating excessive loading forces, wave ramping effects, or wave deflection. The floodplain administrator shall approve plans for landscaping/aesthetic fill only after the applicant has provided an analysis prepared by a Florida licensed engineer, registered architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:~~

~~(1) Particle composition of fill material does not have a tendency for excessive natural compaction;~~

~~(2) Volume and distribution of fill will not cause wave deflection to adjacent properties; and~~

~~(3) Slope of fill will not cause wave run-up or wave ramping~~

SECTION 12. That section 66-304.1, General, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 66-304.1 General.

Manufactured homes, defined in 15C-1.0101, F.A.C., are not a permitted use in the City of Treasure Island. **SECTION 13.** That section 66-306.1, Underground tanks, of the

Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 66-306.1 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. Protective measures shall be in place to restrict the release of tank contents when submerged.

SECTION 14. That section 66-306.2, Above-ground tanks, not elevated, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

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

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

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

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

(3) Incorporate protective measures to restrict the release of tank contents when submerged.

SECTION 15. That section 66-307.2, Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (zone V) and coastal A zones, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 66-307.2 Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (zone V) and coastal A zones.

In coastal high hazard areas (zone V) and coastal A zones, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

(1) Structurally independent of the foundation system of the building or structure;

(2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

(3) Have a maximum slab thickness of not more than four inches.

(4) Have no turned down or thickened edges.

SECTION 16. That section 66-307.3, Decks and patios in coastal high hazard areas (zone V) and coastal A zones, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

Sec. 66-307.3 Decks and patios in coastal high hazard areas (zone V) and coastal A zones.

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

(1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

(2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

(3) The top of a deck or patio located below the design flood elevation shall be no more than 24” above natural grade.

(3a) A deck or patio that has a vertical thickness of more than 12 inches ~~or that is constructed with more than the minimum amount of fill necessary for site drainage~~ shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

(4b) A deck or patio that has a vertical thickness of 12 inches or less, some of which may be below the adjacent finished grade, ~~and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage~~ may be

approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

SECTION 17. That section 66-307.4, Other development in coastal high hazard areas (zone V) and coastal A zones, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby amended to read as follows:

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

In coastal high hazard areas (zone V) and coastal A zones, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures~~; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures~~ and constructed in compliance with the city's Terrain Modification Manual located in appendix B. Such other development activities include but are not limited to:

(1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

(2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

(3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

SECTION 18. That section 66-307.5, Nonstructural fill in coastal high hazard areas (zone V) and coastal A zones, of the Code of Ordinances of the City of Treasure Island, Florida, is hereby deleted in its entirety.

SECTION 19. SEVERABILITY. It is the intention of the City Commission that each provision hereof be considered severable, and, if any section, subsection, sentence, or provision of this ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 20. CONFLICT. All ordinance or portions of ordinances in conflict with or inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 21. CODIFICATION. Sections 2-17 of this Ordinance shall be codified in the Code of Ordinances for the City of Treasure Island, Florida. The codifier is authorized to renumber or reclassify such other provision of the Code of Ordinance to accomplish such intention. The codifier is also authorized to make editorial changes not affecting the substance of this Ordinance in the substitution of article, ordinance, section, paragraph, or such other appropriate word or phrase in order to accomplish such intention.

SECTION 22. EFFECTIVE DATE. This ordinance shall take effect immediately upon its final passage.

FIRST READING and PUBLIC HEARING on the __ day of ___, 2024.

SECOND READING and PUBLIC HEARING on the __ day of ___, 2024.

PUBLISHED in the Tampa Bay Times on the __ day of ___, 2024.

The foregoing ordinance was offered during the meeting of the City Commission of the City of Treasure Island, Florida, sitting on the __ day of _____, 2024 by Commissioner _____ who moved its adoption; was seconded by Commissioner _____ and upon roll call, the vote was:

YEAS:

NAYS:

ABSENT OR ABSTAINING:

_____
J. Tyler Payne, Mayor

ATTEST:

_____
Celine Kidwell, City Clerk

DRAFT