

City of BRADENTON BEACH

State of Florida

107 Gulf Drive North – Bradenton Beach, Florida 34217 – Phone (941) 778-1005 / FAX: 778-7585

AGENDA CITY COMMISSION MEETING THURSDAY, JUNE 3, 2021 @ 6:00 P.M. KATIE PIEROLA COMMISSION CHAMBERS

PLEDGE OF PUBLIC CONDUCT: We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks and speaking without being recognized will be considered as “Out of Order”.

CALL TO ORDER
PLEDGE OF ALLEGIANCE TO THE FLAG
ROLL CALL
ADOPTION OF AGENDA
GENERAL PUBLIC COMMENT (PER COMMENT CARDS)

ORDER OF BUSINESS:

1. **PROCLAMATION:**
 - a. Peace Officers Memorial Day.
2. **APPROVAL OF MINUTES:**
 - a. Approval of City Commission Work Meeting Minutes dated May 11, 2021.
3. **CONSENT AGENDA:** (NOTE: Items contained in the Consent Agenda are determined to be routine in nature and should be considered in a single motion. Items that may warrant discussion should be removed from the list prior to the motion adoption).
 - a. Approval of MARCH 2021 from Ricinda H. Perry in the amount of \$24,560.55.
4. **PUBLIC HEARING:**
 - a. First Reading and Public Hearing of Ordinance 21-536 Floodplain Management.
5. **NEW BUSINESS:**
 - a. Memorandum of Understanding with State College of Florida.
 - b. Merchant Parking.
6. **ATTORNEY BUSINESS:**
 - a. Second Reading of Ordinance 21-532 Business Tax Receipt Increase.
 - b. Second Reading of Ordinance 21-533 Amendment to Ordinance 20-516 Temporary allowance to open air dining.
 - c. Second Reading of Ordinance 21-534 Amending the City Charter.
 - d. Second Reading of Ordinance 21-535 Micromobility (taking place of Moratorium 530).
 - e. General Updates.
7. **MAYOR’S AND COMMISSIONERS REPORTS AND ACTIVITIES:**
8. **PRESS INQUIRIES:**
9. **ADJOURNMENT:**

PURSUANT TO THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT, ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS WORKSHOP/MEETING IS ASKED TO ADVISE THE AGENCY AT LEAST 3 DAYS BEFORE THE WORKSHOP/MEETING BY CONTACTING THE CITY CLERK AT 1(941)778-1005. IF YOU ARE HEARING OR SPEECH IMPAIRED, PLEASE CONTACT THE AGENCY USING THE FLORIDA RELAY SERVICE, 1(800)955-8771 (TDD) OR 1(800)955-8770 (VOICE). SHOULD ANY INTERESTED PARTY SEEK TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THEY WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS BE MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. NOTE: ONE OR MORE ELECTED OFFICIALS MAY BE IN ATTENDANCE ELECTRONICALLY IN ACCORDANCE WITH EO-20-69 AND SECTION 120.54, FLA. STATUTE.



PROCLAMATION

CITY OF BRADENTON BEACH
CITY COMMISSION
MANATEE COUNTY, FLORIDA

Whereas, The Congress and President of the United States have designated May 15th as Peace Officers Memorial Day, and the week in which it falls as Police Week, and

Whereas, This year, even as the COVID-19 pandemic took a physical, mental, and emotional toll, our officers demonstrated courage and dedication in continuing to support our community, and

Whereas, the International Association of Chiefs of Police has declared police officer safety and wellness a top priority, and the IACP's Center for Officer Safety and Wellness promotes the importance of individual, agency, family, and community safety and wellness awareness, and

Whereas, The members of the Police Department of the City of Bradenton Beach play an essential role in safeguarding the rights and freedoms of the citizens of our community, and

Whereas, It is important that all citizens know and understand the problems, duties and responsibilities of their Police Department, and that members of our Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation, and

Whereas, The men of the Police Department of the City of Bradenton Beach unceasingly provide a vital public service.

NOW, THEREFORE, BE IT PROCLAIMED by the City of Bradenton Beach of Manatee County, Florida that the week of **May 9, through May 15, 2021** shall be known, designated and set aside as

National Police Week

and further call upon all citizens of the City of Bradenton Beach to observe May 15, 2021, as Peace Officers Memorial Day to honor those Peace Officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

ADOPTED with a quorum present and voting this **3rd day of June 2021**.

ATTEST:

By: _____
John R. Chappie, Mayor

By: _____
Terri Sanclemente, City Clerk, CMC

municipalities around Pinellas County, Alternative engineering options (coastal, structural, water-dependent permitting, etc.), working with single-family homeowners, and a general understanding of City.

Stephen R. Tarte from Madrid CPWG stated he also misunderstood last week's invitation. He talked about Madrid's experience and the work they have done on St. Pete Beach. He added that Madrid does not need to outsource anything; everything is done in-house. They do the NPDS reporting, grant writing, engineering, SWFWMD, and building. He answered questions from the Commission and Ricinda Perry.

Ricinda Perry spoke: Made two points for the record. It was stated that addendum #1 was unclear on the expectations. Two of the proposers stated there was a lack of clarity, and it was in bold and all caps. **"PRESENTATION AND Q&A. MAY 6, 2021 AT 6:00 P.M. OR AS SOON AS CAN BE HEARD THEREAFTER UNDER THE PRESENTATION PORTION OF THE CITY COMMISSION MEETING. THIS IS OPTIONAL. IF YOU NEED TO MAKE ARRANGEMENTS TO ATTEND ELECTRONICALLY OR TO SUBMIT A WRITTEN OR VIDEO PRESENTATION, PLEASE CONTACT RICINDA PERRY AT (941)526-6468 NO LESS THAN 48 HOURS PRIOR TO THE SCHEDULED PRESENTATION/Q&A."** I believe I made this pretty clear that you were invited to come and participate in a Q&A. the statement that continued into the second page was clarifying a question that had come out about how the City was going to evaluate the proposal, was it going to be evaluated with weight largely given to the lowest cost or were there other deciding factors including an interview. It went back to lowest cost plus other factors as set forth in the evaluation matrix that is in all of your packets and that the Commission has elected to have a presentation with Q&A at its next scheduled City Commission Meeting, referencing that it was optional. To the extent, it was confusing, my apologies. I think it was pretty clear, and at least one of the firms did show up for that Q&A, and there was nothing stopping an individual from contacting me on that number and asking, "does that mean you want me there?" Second, I think is even more important. I don't want anybody saying that they were not given an opportunity. I think to the extent they felt that it was confusing. This Commission has gone out of its way to make sure that everybody has had an equal opportunity to present and participate in a Q&A. So, I think that record has been established. The second statement that was made is that it is inappropriate to accept any supplements that had come from the Q&A on Thursday. I would note that the individual who made that statement provided a supplement at this meeting, and this meeting was not noticed for the presentation. The third thing is that the individual that was making that objection provided a supplemental handout to the Commission today, and it was accepted and received by the Commission. The supplement that was provided by the firm that made the presentation was a direct answer requested by this Commission was stated in a public meeting that the backup would be provided. All that it was was a listing annex that expounded further on all the projects that were identified in the bid package that was submitted, and it listed out 20 projects that the firm had worked on. It did not in any way, shape, or form impact the actual bid prices, and it did not supplement any of the critical features of that bid package. It was merely a supplement found in the formal project, and largely those projects that were in the supplement were in the bid itself. I do not believe there was anything inappropriate by the City accepting and receiving that document.

Commissioner Spooner asked if we had a contract with LTA Engineers.

Ricinda Perry stated there is an annual contract with LTA this month. Ms. Burnette

indicated to the team that if the City wished to discontinue services with her that she would accept that request under that existing contract. If we go that route, the City would have to out to bid. This RFP is for a review and update of the Stormwater master plan.

Tom Woodard wanted to make sure everyone understands what we are looking for; we want to confirm that we are approaching stormwater in the best possible direction, or we need to know if there is a better way of doing it? It may carry over to additional work. I appreciate the interest; these engineers have done similar projects on a barrier island that is tidally influenced. I want to know the successes they've had.

Vice Mayor Cole wants to explore all options and find what will work best for us.

Ricinda Perry described the three steps needed under the RFP that was put out to update the 2006 Master Stormwater Plan. Phase one: look at what we have, Phase two: what do we think generally would work better for the City and give us options. No design application is needed. The third phase is the deliverables. At this point, we want you to engineer the actual plan for the City.

The Commission thanked everyone for coming and stated how well qualified all of them are. They discussed the evaluation sheets, the hourly charges, qualifications, and how important this decision is.

Ricinda Perry just talked to the City Clerk, Terri Sanclemente CMC, and the most they can find is \$60,000.00 in the 2021 cycle.

PUBLIC COMMENT: OPEN.

NO COMMENT.

PUBLIC COMMENT: CLOSED.

MOTION BY COMMISSIONER SPOONER TO AWARD THE BID TO LAND AND WATER ENGINEERING SCIENCE AND AUTHORIZE RICINDA PERRY TO START NEGOTIATIONS. MOTION SECONDED. VOTE: MAYOR CHAPPIE, AYE; VICE MAYOR COLE, AYE; COMMISSIONER MARO, NAY; COMMISSIONER SPOONER, AYE; COMMISSIONER VOSBURGH, AYE. MOTION CARRIES 4-1.

MOTION BY VICE MAYOR COLE TO AWARD THE 2ND OPTION BID TO MADRID CPWG AND AUTHORIZE RICINDA PERRY TO START NEGOTIATIONS IF NEEDED. MOTION SECONDED. VOTE: MAYOR CHAPPIE, NAY; VICE MAYOR COLE, AYE; COMMISSIONER MARO, NAY; COMMISSIONER SPOONER, AYE; COMMISSIONER VOSBURGH, NAY. MOTION CARRIES 2-3.

MOTION BY VICE MAYOR COLE TO AWARD THE 2ND OPTION BID TO UTILITY CONSULTANTS OF FLORIDA AND AUTHORIZE RICINDA PERRY TO START NEGOTIATIONS IF NEEDED. MOTION SECONDED. VOTE: MAYOR CHAPPIE, AYE; VICE MAYOR COLE, AYE; COMMISSIONER MARO, NAY; COMMISSIONER SPOONER, NAY; COMMISSIONER VOSBURGH, AYE. MOTION CARRIES 3-2.

The negotiation is based on cost (\$60,000.00 or staggered over fiscal years), time frames because of the appropriations Commissioner Spooner suggested putting it on the next meeting without having the paperwork until the meeting date.

MOTION BY VICE MAYOR COLE TO AWARD THE 3RD OPTION BID TO MADRID CPWG AND AUTHORIZE RICINDA PERRY TO START NEGOTIATIONS IF NEEDED. MOTION SECONDED. VOTE: MAYOR CHAPPIE, AYE; VICE MAYOR COLE, AYE; COMMISSIONER MARO, NAY; COMMISSIONER SPOONER, AYE; COMMISSIONER VOSBURGH, AYE. MOTION CARRIES 4-1.

Commissioner Spooner added that all the applicants know what we need and what we are working with; we need first to hit the hotspots, prioritize the appropriations funds, and finish the plan in 2022 when we have more funds.

CONSENSUS TO PRIORITIZE THE APPROPRIATIONS FUNDS AND FINISH THE PLAN IN 2022 WHEN WE HAVE MORE FUNDS.

RICINDA PERRY HAS THE ABILITY TO USE ANY OTHER STAFF NEEDED FOR THIS PROCESS.

2. **ADJOURNMENT:** Meeting was adjourned at 12:39 pm.

Mayor John Chappie

ATTEST:

Ruth Stief, Deputy Clerk I

NOTE: This is not a verbatim record.

City of Bradenton Beach
Council Approval Report for ID #6 OPER BMO Bank--00432-12697
 (Council Approval Report)

InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance
899		Ricinda Perry, 215 20th Street West, Bradenton, FL, 34205							
MARCH 2021--02	05/27/21	Attorney Fees	06/08/21	\$8,880.30	\$8,880.30	01-011502-5313	Attorney Fees	\$75,000.00	\$4,461.83
MARCH 2021--02	05/27/21	Attorney Fees	06/08/21	\$2,773.80	\$2,773.80	01-012503-5313	Attorney Fees	\$0.00	(\$4,256.10)
MARCH 2021--02	05/27/21	Attorney Fees	06/08/21	\$165.60	\$165.60	01-012703-5313	Attorney Fees	\$0.00	(\$786.60)
MARCH 2021--02	05/27/21	Attorney Fees	06/08/21	\$2,711.70	\$2,711.70	01-013504-5313	Attorney Fees	\$15,000.00	\$9,895.35
MARCH 2021--04	05/27/21	Attorney Fees	06/08/21	\$41.40	\$41.40	01-015506-5313	Attorney Fees	\$1,000.00	(\$5,565.05)
MARCH 2021--02	05/27/21	Attorney Fees	06/08/21	\$103.50	\$103.50	01-116505-5313	Attorney Fees	\$0.00	(\$103.50)
MARCH 2021--05	05/27/21	Attorney Fees	06/08/21	\$103.50	\$103.50	01-116605-5313	Attorney Fees	\$0.00	(\$2,326.96)
MARCH 2021--03	05/27/21	Gulf Dr. Undergrounding - Project Mgmt (App)	06/08/21	\$9,780.75	\$9,780.75	01-316505-5392	Gulf Dr. Undergrounding	\$155,000.00	\$71,790.45

Total Bills To Pay:

\$24,560.55
\$24,560.55

City of BRADENTON BEACH

State of Florida

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CITY COMMISSION AGENDA REQUEST FORM

Date request submitted: May 26, 2021

For meeting date: June 3, 2021

(All agenda requests and associated backup must be submitted at the latest 8 Days in advance by 2:00 P.M. before the next scheduled Commission meeting.) Please have **9** copies stapled and hole-punched and attached to your agenda request.

Agenda Verbiage: March 2021 Invoices for Legal Services from Ricinda H Perry, PA.

Does your request require action (a motion) by the Board? Yes - CONSENT

If "Yes", please describe exactly how you want the motion to read.

I MOVE TO (Approve, Approve with Changes, Deny)

Is there back-up? Yes

Does this item require legal review? Yes, Prepared by City Attorney

Note: Back-up is required for all agenda requests. If appropriate backup is not included, the issue may be pulled from the agenda.

Signature



A handwritten signature in black ink, appearing to read "Quigley", is written above a horizontal line.

Ricinda H. Perry, PA

INVOICE

Invoice No. March 2021
Due Date: June 30, 2021

Address: 215 20th St W
 Bradenton, FL 34205
 Phone: 941-526-6469
 E-mail: ricinda@verizon.net
 Fax: 941-209-5302

Bill To: City of Bradenton Beach
 Attn: Office of the City Clerk
 107 Gulf Drive N.
 Bradenton Beach, FL 34217

Date	RLS	Description	Hours	Hourly Rate	Amount
3/1/2021	City Boundaries	Work on expansion of City Boundaries; Phone call with D. Ramba; Phone call with R. Jackson.	2.3	\$ 200.00	\$ 460.00
3/1/2021	Dredge	NO CHARGE: Review of email with Subrecipient Agreement with WCIND.	0.2	\$ 200.00	\$ 40.00
3/1/2021	Gulf Dr. App. Lights	Attend meeting with MSB and J. Morris to discuss layouts, photometrics, footcandle issues, and crosswalk issues; Email from T. Woodard re: crosswalk relocation; Follow up with J. Kicklighter.	1.0	\$ 200.00	\$ 200.00
3/1/2021	General	NO CHARGE: Receive an review questionnaire from Florida League of Cities.	0.3	\$ 200.00	\$ 60.00
3/2/2021	General	NO CHARGE: Office meeting with Mayor Chappie.	0.7	\$ 200.00	\$ 140.00
3/2/2021	CRA	Prepare for CRA meeting; Follow up on trash can quotes; Follow up on bike rack quotes; Follow up on street signs; Prepare image/exhibits for meeting; Phone call with Commissioner Cole; Phone conference with Mayor Chappie; Discussion with Mayor Chappie and T. Woodard re: bollard installation.	2.4	\$ 200.00	\$ 480.00
3/3/2021	CRA	Attend CRA meeting. Meeting with Mayor Chappie. Email and phone call with T. Woodard and M and F Lawn Services.	5.6	\$ 200.00	\$ 1,120.00
3/3/2021	City Commission	Review of Agenda Packet; Phone calls with City staff; Prepare for City Commission meeting.	2.5	\$ 200.00	\$ 500.00
3/3/2021	General	NO CHARGE: Email from Commissioner Kruse re: charter government; Phone call with Mayor Chappie re: same.	0.7	\$ 200.00	\$ 140.00
3/3/2021	General	NO CHARGE: Receive and review public comment from D. Bell.	0.2	\$ 200.00	\$ 40.00
3/3/2021	CRA	NO CHARGE: Email from B. Schimberg re: bench maintenance.	0.3	\$ 200.00	\$ 60.00
3/4/2021	City Commission	Attend City Commission meeting.	3.5	\$ 200.00	\$ 700.00
3/4/2021	Dredge Approp	NO CHARGE: Correspondence re: contract invoicing.	0.2	\$ 200.00	\$ 40.00
3/4/2021	Stormwater Approp.	Updates re: equipment purchase and bid.	0.2	\$ 200.00	\$ 40.00
3/4/2021	CRA	Updates with T. Woodard to discuss parking lot paver installation and site prep; Email with S. D'Agostino; Receive multiple estimates from Custom Brick Pavers; Office meeting with Mayor Chappie re: same.	0.9	\$ 200.00	\$ 180.00
3/4/2021	General	Office meeting with Mayor Chappie to discuss emergency meetings, street improvements, contracts, undergrounding and staffing issues.	1.1	\$ 200.00	\$ 220.00
3/5/2021	Lobby	Receive and review Legislative update.	0.3	\$ 200.00	\$ 60.00
3/5/2021	FPL Approp.	Attend to undergrounding project and drilling issues; Multiple phone calls with FPL, Wilco, Spectrum, M. Porter, S. Maniachi; Work on easement resolution; Relocate equipment; Phone call from L. Glick..	9.8	\$ 200.00	\$ 1,960.00
3/6/2021	FPL Approp.	Field work with drilling and equipment location teams to discuss locations and meter conversion issues; visit with residents and address landscaping disruptions.	4.3	\$ 200.00	\$ 860.00
3/7/2021	General	Phone conference with Mayor Chappie.	0.5	\$ 200.00	\$ 100.00
3/8/2021	FPL Approp.	NO CHARGE: Multiple phone calls and email with reporters for undergrounding background and clarifications.	1.4	\$ 200.00	\$ 280.00
3/8/2021	CRA.Tram/Sign	Correspondence with Bradenton signs regarding tram. Meeting with contractor on site to discuss signage for CRA; Prepare email package to sign contractor.	1.2	\$ 200.00	\$ 240.00
3/8/2021	FPL Approp.	NO CHARGE: Email with City Commission to provide updates and images of project.	0.4	\$ 200.00	\$ 80.00
3/8/2021	CRA.Floating Dock Exp.	Prepare addendum for floating dock. Correspondence with perspective bidders regarding inquiries and deadlines.	3.6	\$ 200.00	\$ 720.00
3/8/2021	CRA.Floating Dock Exp.	Create PowerPoint presentation for visual backup for TDC meeting; Phone call and office meeting with Mayor Chappie..	1.5	\$ 200.00	\$ 300.00
3/8/2021	General	NO CHARGE: Correspondence with staff. Phone conference with Fred Bartizal regarding outdoor noise.	0.5	\$ 200.00	\$ 100.00
3/8/2021	FPL Approp. LIGHTS	Follow up with Shayne Thompson regarding purchase order of street li	0.3	\$ 200.00	\$ 60.00
3/8/2021	FPL Approp.	Phone conference with Rob regarding equipment locations and coordination of undergrounding.	1.3	\$ 200.00	\$ 260.00
3/8/2021	General	NO CHARGE: Email correspondence re: 2021 election with Supervisor of Elections and T. Sanclemente.	0.3	\$ 200.00	\$ 60.00

3/8/2021	Public Works Aramark	Review Aramark proposal for uniforms; Follow up with T. Woodard with comments to proposal.	0.5	\$	200.00	\$	100.00
3/8/2021	Bridge St.	NO CHARGE: Email re: HMGP Grant restrictions for Bridge Street; Phone call with Mayor Chappie; Phone call with T. Woodard.	0.5	\$	20.00	\$	10.00
3/8/2021	CRA.Floating Dock Exp.	Receive and respond to email from T. Lacombe for clarifications on floating dock bid.	0.4	\$	200.00	\$	80.00
3/8/2021	General	NO CHARGE: Field meeting with F. Bartizal; Email with W. Chabot; Phone call with S. Gilbert; Review of LDC provisions.	1.4	\$	200.00	\$	280.00
3/9/2021	Noise Ord.	Attend City Commission noise ordinance work session.	2.8	\$	200.00	\$	560.00
3/9/2021	Noise Ord.	Drafted noise ordinance revisions; Follow up with S. Gilbert; revise per staff.	5.7	\$	200.00	\$	1,140.00
3/9/2021	CRA.P.O.	Meeting with Clyde Chapelle regarding post office improvements, towing and special event.	1.0	\$	200.00	\$	200.00
3/9/2021	CRA.Tram	Follow up and revise submission for banners; Prepare application for Commission approval; Follow up with Building Department.	0.9	\$	200.00	\$	180.00
3/9/2021	FPL Approp.	Conference call with FPL.	0.4	\$	200.00	\$	80.00
3/9/2021	General	Office meeting with Mayor Chappie.	1.3	\$	200.00	\$	260.00
3/9/2021	FPL Approp.	Correspondence with Alan Franz regarding 13th Street South undergrounding; Multiple correspondence with Steve Maniachi, Verizon and Spectrum.	1.6	\$	200.00	\$	320.00
3/9/2021	Rentals	NO CHARGE: Email from J. Hendricks with data re: occupancy based annual rental fees.	0.4	\$	200.00	\$	80.00
3/9/2021	General	NO CHARGE: Office meetings with Mayor Chappie and T. Sanclemente to review files, historical information, Charter provisions and discussion re: updates.	1.4	\$	200.00	\$	280.00
3/9/2021	Dredge Approp	Follow up with WCIND regarding Coquina dredging.	0.2	\$	200.00	\$	40.00
3/9/2021	FPL Approp. LIGHTS	Meeting with Shayne regarding street lights purchase order.	0.3	\$	200.00	\$	60.00
3/9/2021	FDOT Beautification	NO CHARGE: Update re: 446348 bid.	0.2	\$	200.00	\$	40.00
3/9/2021	Code Enforcement	Correspondence to City Commission regarding code enforcement matters. Phone conference with FACE.	0.8	\$	200.00	\$	160.00
3/9/2021	Lobby	Correspondence with Thomas Hobbs regarding appropriations; Prepare documentation for appropriation submittals.	0.3	\$	200.00	\$	60.00
3/9/2021	Noise Ord.	NO CHARGE: Staff discussions re: notices per ordinance and interoffice coordination; Email from Sgt Diaz re: documentation.	0.4	\$	200.00	\$	80.00
3/10/2021	FPL Approp.	Field meeting with FPL representatives to walk entire project and review scope of project, ability to expand to 5th Street South, timeframes, easements, and equipment location modifications. Work on undergrounding issues; Work on 108 and 10 11th Street South legal issues.	7.6	\$	200.00	\$	1,520.00
3/10/2021	Home Rule	Prepare resolution for Home Rule.	0.6	\$	200.00	\$	120.00
3/10/2021	CRA.Asphalt	Work on asphalt repair.	0.5	\$	200.00	\$	100.00
3/10/2021	General	NO CHARGE: Meeting with Mayor Chappie.	1.6	\$	200.00	\$	320.00
3/10/2021	Cortez Bridge	Review Cortez Bridge lawsuit backup including court case and settlement offer from Mayor Chappie; Phone call with Mayor Chappie.	2.2	\$	200.00	\$	440.00
3/10/2021	City Boundaries	Follow up regarding municipal boundary survey.	0.2	\$	200.00	\$	40.00
3/10/2021	TPLE	NO CHARGE: Multiple correspondence with staff re: current notices for noise complaints.	0.6	\$	20.00	\$	12.00
3/10/2021	Pier Lease	Follow up on pier lease tasks with L. Horne.	0.2	\$	200.00	\$	40.00
3/10/2021	Lobby	Correspondence with Thomas Hobbs regarding appropriations.	0.2	\$	200.00	\$	40.00
3/10/2021	Personnel	Email from Mayor Chappie forwarding retirement notice from Chief Speciale.	0.1	\$	200.00	\$	20.00
3/10/2021	Sunshine Lawsuit	Phone conference with Michael Barfield regarding fee hearing.	0.5	\$	200.00	\$	100.00
3/10/2021	Sandpiper	Correspondence with Steve Dye regarding Sandpiper easement.	0.3	\$	200.00	\$	60.00
3/10/2021	Lobby	NO CHARGE: Review email from Mayor Chappie concerning bills filed for abandoned, derelict and liveaboard vessels.	0.8	\$	200.00	\$	160.00
3/11/2021	General.Staff Mtg	Attend staff meeting.	3.3	\$	200.00	\$	660.00
3/11/2021	CRA.3rd St. S.	Phone conference with Shawn Kaleta re: 3rd Street South beautification.	0.5	\$	200.00	\$	100.00
3/11/2021	Dredge Approp	Correspondence with WCIND and contractors regarding dredge meeting.	0.6	\$	200.00	\$	120.00
3/11/2021	General	NO CHARGE: Phone conference with Mayor Chappie.	0.4	\$	200.00	\$	80.00
3/11/2021	General	Phone conference with Commissioner Spooner.	0.5	\$	200.00	\$	100.00
3/11/2021	General	NO CHARGE: Office meeting with Mayor Chappie.	2.3	\$	200.00	\$	460.00
3/11/2021	Micromobility	Work on micro mobility ordinance; Phone call with S. Gilbert.	1.9	\$	200.00	\$	380.00
3/12/2021	FPL Approp.	Phone conference with Juan Martinez regarding 101 FPL issue and attend to same.	1.2	\$	200.00	\$	240.00
3/12/2021	FPL Approp.	Attend to undergrounding.	7.4	\$	200.00	\$	1,480.00
3/12/2021	Bridge St.	Meeting regarding parking and development issues on Bridge Street.	1.8	\$	200.00	\$	360.00
3/12/2021	CRA.Floating Dock Exp.	Answer questions for TDC re: docks.	0.4	\$	200.00	\$	80.00
3/12/2021	Code Enforcement	NO CHARGE: Updates re: code enforcement hiring.	0.3	\$	200.00	\$	60.00

3/12/2021	CRA.Seagrass Pier Project	NO CHARGE: Multiple correspondence from R. Brushwood and C. Henne re: seagrass plantings.	0.5	\$	200.00	\$	100.00
3/12/2021	Dredge Approp	Address safety concerns with pedestrians, cars and public access to dredge areas; Email with A. LaiHipp; Field visit with L. Glick; Follow up with Duncan.	1.2	\$	200.00	\$	240.00
3/15/2021	General	NO CHARGE: Receive and review public comment from A. Rodocker.	0.3	\$	200.00	\$	60.00
3/15/2021	FDOT	NO CHARGE: Update re: US 41 at Gulfstream	0.2	\$	200.00	\$	40.00
3/15/2021	FPL	NO CHARGE: Receive and review FPL proposal for new base rents 2022-2025.	0.4	\$	200.00	\$	80.00
3/15/2021	General	NO CHARGE: Legislative updates from Mayor Chappie.	0.7	\$	200.00	\$	140.00
3/15/2021	RLG Contract	NO CHARGE: Receive email from T. Sanclemente re: contract with Ramba.	0.2	\$	200.00	\$	40.00
3/16/2021	Dredge Approp	Email to secure bond requirements for project.	0.4	\$	200.00	\$	80.00
3/16/2021	General	NO CHARGE: Email from Mayor Chappie forwarding FLC Support on short term rentals.	0.3	\$	200.00	\$	60.00
3/17/2021	Dredge Approp	Work on dredging issues. Multiple phone conferences and correspondence.	4.6	\$	200.00	\$	920.00
3/15/2021	FDOT	NO CHARGE: Update re: US 41 at Gulfstream	0.2	\$	200.00	\$	40.00
3/17/2021	City Commission	Prepare for City Commission meeting.	2.3	\$	200.00	\$	460.00
3/17/2021	Federal Stim.	NO CHARGE: Review and legal research re: federal stimulus monies for City to explore.	3.8	\$	200.00	\$	760.00
3/17/2021	Retirement	NO CHARGE: Email from League of Cities re: City retirement options; Phone call with T. Sanclemente; Office meeting with Mayor Chappie.	1.3	\$	200.00	\$	260.00
3/18/2021	City Commission	Attend City Commission meeting.	2.8	\$	200.00	\$	560.00
3/18/2021	Dredge Approp	Conference call with Steve Porter and Mayor Chappie. Conference call with Mayor Chappie.	1.3	\$	200.00	\$	260.00
3/18/2021	General	NO CHARGE: Receive and review LWV government committee notes from 3.16 County Commission Work Session.	0.4	\$	200.00	\$	80.00
3/18/2021	FPL Approp.	Conference call with Mark Porter.	0.8	\$	200.00	\$	160.00
3/18/2021	Man. Co. Lit.	Phone conference with Chris DiCarlo.	0.5	\$	200.00	\$	100.00
3/18/2021	CRA	NO CHARGE: Email with L. Burnett re: public works parking, funding restrictions and drainage obligations.	0.5	\$	200.00	\$	100.00
3/18/2021	CRA.Tram	NO CHARGE: Phone call with J. LaRose re: concerns and payments/advertising.	0.7	\$	200.00	\$	140.00
3/19/2021	Dredge Approp	Meeting with Steve Porter, CEC and Mayor Chappie; review and preparation for commencement notifications and signage.	3.2	\$	200.00	\$	640.00
3/19/2021	FPL Approp.	Undergrounding supervision. Work on easements.	11.8	\$	200.00	\$	2,360.00
3/19/2021	Sandpiper	NO CHARGE: Administrative follow through on easement.	0.4	\$	200.00	\$	80.00
3/19/2021	PRR.Ross	Multiple phone calls and office visits with staff re: various public records requests from P. Ross.	0.5	\$	200.00	\$	100.00
3/20/2021	Franchising	Work on franchise agreement for towing.	3.4	\$	200.00	\$	680.00
3/20/2021	Micromobility	Work on micromobility ordinance.	0.8	\$	200.00	\$	160.00
3/22/2021	CRA.Signage	Work on signs. Picked up banner. Phone conference with Tom Woodard.	2.5	\$	200.00	\$	500.00
3/22/2021	Boundary	Review legal description for boundary change and continue draft ordinance for same.	0.9	\$	200.00	\$	180.00
3/22/2021	FPL Approp.	Phone conference with Mark Porter.	0.5	\$	200.00	\$	100.00
3/22/2021	Cortez Bridge	NO CHARGE: PRR for documents with Cortez Bridge from Islander; Phone call with Kane re: questions for article.	1.3	\$	200.00	\$	260.00
3/23/2021	Dredge Approp	Audit County meeting for agenda items approval for Mitigation Agreement.	1.8	\$	200.00	\$	360.00
3/23/2021	FPL Approp.	Conference call with FPL and utility consultants.	0.8	\$	200.00	\$	160.00
3/23/2021	CRA.Signs	Phone conference and correspondence with Office Warren regarding life program for signage. Follow up with Sign-O-Rama regarding same.	0.6	\$	200.00	\$	120.00
3/23/2021	Stormwater Approp.	Email with M. Scheinkman re: advance payment.	0.3	\$	200.00	\$	60.00
3/24/2021	CRA.Bridge	Review of Easements from Drift Inn and adjacent areas; Field meeting with Mayor Chappie.	0.8	\$	200.00	\$	160.00
3/25/2021	Dredge Approp	Pre-construction dredge meeting with County.	1.0	\$	200.00	\$	200.00
3/25/2021	Dredge Approp	Dredge meeting with contractor.	1.8	\$	200.00	\$	360.00
3/25/2021	General.Staff Mtg	Attend staff meeting.	1.0	\$	200.00	\$	200.00
3/25/2021	Building	Meeting with Steve and Mayor Chappie regarding various land development issues.	0.8	\$	200.00	\$	160.00
3/25/2021	CRA.Agenda	Work on compilation of packets, exhibits, update to information, collection of data for agenda including tram invoicing, signs, trash cans, bike racks, pavers.	3.9	\$	200.00	\$	780.00
3/25/2021	Man. Co. Lit.	Meeting with Chis DeCarlo.	0.8	\$	200.00	\$	160.00
3/25/2021	Dredge Approp	Review mitigation sheets for dredge, mitigation plan, timeline and contractor submittals.	3.5	\$	200.00	\$	700.00
3/25/2021	CRA.Trash	Phone conference with John Glenzer regrading trash cans and signage.	0.7	\$	200.00	\$	140.00
3/25/2021	CRA.Landscaping	Phone conference and correspondence with M&F lawn regarding landscaping.	0.3	\$	200.00	\$	60.00
3/25/2021	General	NO CHARGE: Office meeting with Mayor Chappie; Office meeting with T. Sanclemente.	3.3	\$	200.00	\$	660.00

3/25/2021	CRA.Bike Racks	Phone conference with Adam Ellis regarding bike racks.	0.2	\$	200.00	\$	40.00
3/25/2021	Lobby	Phone conference with Thomas Hobbs regarding funding.	0.2	\$	200.00	\$	40.00
3/25/2021	FPL Approp. LIGHTS	Follow up with Jay Kicklighter regarding lights.	0.2	\$	200.00	\$	40.00
3/25/2021	Bridge St.	Follow up on curbing payment for Bridge Street.	0.1	\$	200.00	\$	20.00
3/25/2021	Lien Searches	Phone call and email with staff re: lien searches, BTR and TPLE.	0.5	\$	200.00	\$	100.00
3/26/2021	Sea Turtle	NO CHARGE: Receive and review sea turtle model ordinance.	1.1	\$	200.00	\$	220.00
3/26/2021	Cortez Bridge	Multiple phone conferences with Mayor Chappie, FDOT regarding bridge. Correspondence with Angela Tucker. Correspondence with Chuck Johnson. Review of bridge issues.	3.8	\$	200.00	\$	760.00
3/26/2021	Public Works	NO CHARGE: Email re: public safety at 26th S. N and Ave. C; Phone conference with Mayor Chappie.	1.1	\$	200.00	\$	220.00
3/26/2021	Man. Co. Lit.	Correspondence with Steve Gilbert regarding pending permits regarding Manatee County litigation. Correspondence with County Attorney's office. Phone conference with Mayor Chappie.	2.2	\$	200.00	\$	440.00
3/26/2021	FPL Approp.	Phone conference with Steve Maniachi regarding Verizon purchase order. Phone conference with client. Correspondence with Mark Porter regarding quantities and contract with Wilco; Email with P. Wank.	1.3	\$	200.00	\$	260.00
3/26/2021	Sidewalk	NO CHARGE: Follow up on sidewalk relocation.	0.2	\$	200.00	\$	40.00
3/26/2021	Noise Ord.	Revise noise ordinance.	1.0	\$	200.00	\$	200.00
3/26/2021	COV	NO CHARGE (misunderstanding) Revise COV ordinance.	0.9	\$	200.00	\$	180.00
3/26/2021	CRA.Trash	Correspondence regarding additional documentation for John Glenzer.	0.3	\$	200.00	\$	60.00
3/26/2021	City.Engineering RFP	Draft RFP Engineering; Work with staff; Review 2006 master	1.7	\$	200.00	\$	340.00
3/26/2021	CRA.Signage	Correspondence with Sign-O-Rama regarding street signs.	0.5	\$	200.00	\$	100.00
3/26/2021	CRA.Bike Racks	Phone conference and correspondence with Adam Ellis and Ryan Davis	0.3	\$	200.00	\$	60.00
3/26/2021	General	NO CHARGE: Office meeting with Mayor Chappie.	1.3	\$	200.00	\$	260.00
3/26/2021	Dredge Approp	Prepare minutes for pre-construction meeting on dredge.	1.0	\$	200.00	\$	200.00
3/29/2021	Sunshine Lawsuit	Correspondence with all regarding same.	1.2	\$	200.00	\$	240.00
3/29/2021	FPL Approp.	Attend fee hearing.	1.2	\$	200.00	\$	240.00
3/29/2021	FPL Approp.	Review and revise two contracts with KCI; Phone conference with Mark Porter.	2.7	\$	200.00	\$	540.00
3/29/2021	Dredge Approp	Receive and review email with access and mitigation agreement from A. LaiHipp for Manatee County.	0.3	\$	200.00	\$	60.00
3/29/2021	Boundary	Correspondence with Rich Jackson to modify proposed municipal boundary. Review of same.	1.8	\$	200.00	\$	360.00
3/29/2021	CRA	NO CHARGE: review of CRA Annual report issue and reporting requirements; Track Florida legislation re: same.	3.3	\$	200.00	\$	660.00
3/29/2021	Engineering RFP	Draft edit and finalize RFP for engineering services.	2.2	\$	200.00	\$	440.00
3/30/2021	FPL Approp.	Prepare for and conduct conference call with FPL. Prepare correspondence to City Commission with spreadsheet of costs.	2.0	\$	200.00	\$	400.00
3/30/2021	FPL Approp. LIGHTS	Follow up with S. Thompson for issuance of purchase order for street lights.	0.3	\$	200.00	\$	60.00
3/30/2021	FPL Approp.	Correspondence with Liza Click regarding County piggyback opportunity.	0.2	\$	200.00	\$	40.00
3/30/2021	Towing	Work on and finalize towing franchise agreement RFP.	3.8	\$	200.00	\$	760.00
3/30/2021	Cortez Bridge	Review documentation and renderings for Cortez Bridge. Review of various issues regarding same. Phone conference with Mayor Chappie.	2.7	\$	200.00	\$	540.00
3/30/2021	FPL Approp.	Follow up on payment drill invoice for Wilco via piggyback agreement with Longboat Key for Wilco undergrounding in Town; Phone call with T. Niemick.	0.6	\$	200.00	\$	120.00
3/30/2021	Due Diligence City Bldg	Review staff comments to public property due diligence.	1.5	\$	200.00	\$	300.00
3/30/2021	Boundary	Follow up with Rich Jackson regarding legal description.	0.5	\$	200.00	\$	100.00
3/20/2021	General	NO CHARGE: Field meeting with Mayor Chappie.	2.3	\$	200.00	\$	460.00
3/30/2021	Sunshine Lawsuit	Review draft affidavit and memo of law regarding sunshine fees. Correspondence with Michael Barfield.	2.2	\$	200.00	\$	440.00
3/30/2021	Dredge Approp	Correspondence with Steve Porter regarding work plan for mitigation.	0.2	\$	200.00	\$	40.00
3/31/2021	Cortez Bridge	Receive and review FDOT charrettes.	0.2	\$	200.00	\$	40.00
	Scenic Waves	NO CHARGE: Receive email from C. Watson re: SCENIC WAVES; Phone call with Mayor Chappie.	0.7	\$	200.00	\$	140.00

Invoice Subtotal	\$	43,942.00
NO CHARGE LEGAL FEES	\$	(7,982.00)
DISCOUNT OF 25% FPL UNDERGROUNDING FEES	\$	(1,830.00)
TOTAL FEES AFTER DISCOUNT	\$	34,130.00
Costs and Fees 3.5%	\$	1,194.55
TOTAL	\$	35,324.55

Make all checks payable to Ricinda H. Perry, PA, 215 20th Street West, Bradenton, FL 34205

Thank you for your business!

City of BRADENTON BEACH

State of Florida

107 Gulf Drive North – Bradenton Beach, Florida 34217 – Phone (941) 778-1005 / FAX: 778-7585

AGENDA REQUEST FORM

Date request submitted: May 16, 2021

For meeting date: June 3, 2021

(All agenda requests and associated backup must be submitted at the latest Wednesday 2:00 P.M. before the next scheduled Commission meeting.) Please have 11 copies stapled and hole punched and attached to your agenda request.

Agenda Verbiage: First Reading and Public Hearing of Ordinance # 21-536, an Ordinance to update the Floodplain Regulations for the City of Bradenton Beach

Does your request require action (a motion) by Commission? Yes

If “No”, then your request should be a presentation or discussion.

If “Yes”, please describe exactly how you what the motion to read.

I move to approve the 1st reading of Ordinance 21-536 and set the second reading for June 15, 2021.

Backup included: Ordinance # 21-536, Title Block; Memo from Building Official/Floodplain Manage; CRS FAQ sheet; FEMA policy paper.

Note: Backup is required for all agenda requests. If appropriate backup is not included, the issue may be pulled from the agenda.



Signature

ORDINANCE NO. 21-536

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF BRADEN BEACH AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF BRADENTON BEACH, TO PROVIDE FOR HIGHER REGULATORY STANDARDS TO PARTIALLY IMPLEMENT COMPREHENSIVE PLANS ADDRESSING PERIL OF FLOOD; PROVIDE FOR HIGHER REGULATORY STANDARDS RELATED TO FLOOD DAMAGE MITIGATION; TO ADOPT ADMINISTRATIVE AND TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

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

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

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

WHEREAS, the City Commission determined that it is in the public interest to amend the floodplain management regulations to better protect owners and occupants of manufactured homes and to continue participating in the Community Rating System at the current class rating; and

WHEREAS, the City Commission approved "PERIL OF FLOOD" amendments to the Comprehensive Plan per Ordinance 19-506, and desires to partially implement resiliency requirements to address Peril of Flood through higher regulatory standards; and

WHEREAS, Chapter 553, Florida Statutes, allows for local technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

WHEREAS, the City Commission previously adopted some more stringent requirements and is now adopting additional more stringent requirements for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the City Commission has determined that it is in the public interest to adopt the proposed local technical amendments to the *Florida Building Code* and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 553.73(4), Florida Statutes; and

NOW, THEREFORE, BE IT ORDAINED by the City Commission of Bradenton Beach that the Land Development Code is amended as set forth in the following amendments, as shown in ~~strikethrough~~ and underline format in Section 2.

SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE.

Chapters 1, 2, 3, 8, and 9 are hereby amended by the following amendments.

SECTION 2. Chapter 1, Section 109 (Definitions) is hereby amended as follows. Only those definitions being relocated, modified, or deleted, are delineated. All other definitions currently in Section 109 shall remain. Strikethrough text indicates deletions. Underlined text indicates revisions or additions.

~~Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.~~

* * *

Coastal A zone. That area immediately landward of the coastal high hazard area (V-Zone) or landward of an open coast without a mapped coastal high hazard areas, which may be subject to breaking wave heights between 1.5 feet and 3.0 feet. For purposes of delineation with the City of Bradenton Beach, the Coastal A zone is designated as any property or lands (1) lying seaward of the Coastal Construction Control Line referenced below, (2) lying seaward of or the Limit of Moderate Wave Action if delineated on the FIRM, and (3) all portions of a Zone AE intersected by a Limit of Moderate Wave Action, when such portions of the Zone AE have the same base flood elevation as the base flood elevation at the Limit of Moderate Wave Action, whichever is most restrictive.

* * *

Declaration of Land Restriction (Nonconversion Agreement) - A form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is

inconsistent with the terms of the building permit and these regulations, enclosures below elevated dwellings.

* * *

~~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 manufactured home park or subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 11, 1971.~~

* * *

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

* * *

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

(1) The area within a floodplain subject to a 1-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.

* * *

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

~~Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]~~

~~(1) The area within a floodplain subject to a 1 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 Protection Elevation (FPE) – The elevation of the design flood elevation plus two feet at any given location in the Special Flood hazard Area. See “Freeboard.”~~

~~***~~

~~Floodway – The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]~~

~~* * *~~

Historic Structure - Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 44 Historic Buildings.

* * *

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective 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.

* * *

Limit of Moderate Wave Action – Line shown on FIRMs to indicate the inland limit of the 1.5 foot breaking wave height during the base flood.

* * *

~~Manufactured Home Park or Subdivision – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.~~

~~Market value - The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the may be established by a qualified independent appraiser, Actual Cash Value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.~~

* * *

~~New manufactured home park or subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 11, 1971.~~

* * *

Substantial Improvement – Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 1 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the 1 year period begins when a certificate of completion or certificate of occupancy is issued, or when a final inspection of improvements is approved on the date of the first permit issuance for improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

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

* * *

Variance - Approval from the City to deviate from certain prescribed requirements, dimensions or conditions set forth in this Code. ~~For purposes of Floodplain Management, a grant of relief by a community from the terms of a flood plain management regulation.~~

Variance (for floodplain management purposes) - A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by Chapter 9 of this code ~~this ordinance or the *Florida Building Code*.~~

* * *

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

SECTION 3. Section 212, Sub-sections 212.2 and 212.6, of the Land Development Code, is hereby amended as follows. Strikethrough text indicates deletions. Underlined text indicates revisions or additions.

212.2. Initiation of Variance Request. An applicant may request a public hearing for purposes of requesting a variance by filing an application for a variance with the Building Official or other City designee and payment of an application fee in accordance with the adopted fee schedule. Variances to the Floodplain Management Chapter of this code and the flood resistance provision of the Florida Building Code ~~Flood Plain Ordinance~~ will be decided by the City commission.

212.6. Variances to the minimum elevation requirements of the Florida Building Code for buildings and structures in flood hazard areas and Floodplain Management Chapter of this code ~~City's implementation of floodplain regulations shall be subject to the specific process provided in the Floodplain Management Chapter of this code by the City.~~

SECTION 4. Section 214, Subsections 214.3.1 and 214.5.4, are hereby amended as follows. Strikethrough text indicates deletions. Underlined text indicates revisions or additions.

214.3.1. Nonconforming structures shall be allowed to rebuild to the same density and building volume, and shall comply with and be elevated to the minimum height required by the Florida Building Code, and in conformance with otherwise required setbacks to the greatest extent possible ~~flood regulations, so long as nonconforming elements are reduced or eliminated to the greatest extent possible.~~

214.5.4. Elevation of Nonconforming Structure. For flood damage protection purposes, and as a matter of public safety, a nonconforming structure may be elevated in conformance with the Florida Building Code ~~the City's floodplain regulations~~ provided that there is no increase in other nonconformities.

SECTION 5. Chapter 3, Sub-sections 307.5.6 and 307.5.12, are hereby amended as follows. Strikethrough text indicates deletions. Underlined text indicates revisions or additions. Only these two sub-sections are included herein. All other sections and sub-sections of Section 307 remain unaltered.

307.5.6. Lot, Yard and Bulk Limitations.

* * *

Maximum Height for any Structure: 29 feet above the elevation required by the Florida Building Code, as amended by the City Design Flood Elevation.

* * *

307.5.12. Height of Structures. The maximum permitted heights are as follows:

1. Manufactured homes are limited to 29 feet over the elevation required by the Florida Building Code, as amended by the City Design Flood Elevation.
2. Conventional buildings are limited to 29 feet over the elevation required by the Florida Building Code, as amended by the City Design Flood Elevation.
3. Overall height of any structure shall not exceed 29 feet over the elevation required by the Florida Building Code, as amended by the City Design Flood Elevation.

SECTION 6. Chapter 3, Section 308.2, is hereby amended as follows. Strikethrough text indicates deletions. Underlined text indicates revisions or additions.

308.2. Height of Floors and Buildings; Minimum and Maximum Permitted.

308.2.1. No building or structure shall contain more than two stories and a loft.

308.2.2. The height of garage floors and the height of the lowest floor shall be determined using the criteria provided in the Code of Ordinances and the Florida Building Code as amended by the City.

1. Minimum lowest habitable floor elevation in an "A" zone shall be three ~~two~~ feet above base flood elevation (BFE). ~~This minimum elevation shall be referred to as the Design Flood Elevation (DFE).~~
2. Minimum lowest floor elevation in "A" and "V" zones seaward of the Coastal Construction Control Line shall be determined as the elevation of the lowest horizontal support beam pursuant to Section 3109 of the Florida Building Code, Building, FDEP regulations. ~~This shall be known as the Flood Protection elevation (DFE).~~
3. ~~Existing buildings constructed prior to adoption of the flood insurance rate maps on grade level may be extended at grade level if the cost and scope of the development is under the threshold set for substantial improvement. Substantially improved residential buildings must meet the requirements of this Chapter.~~

308.2.3. The maximum height of any building shall be 29 feet. Building height shall be the vertical distance between the elevation required by the Florida Building Code, as amended by the City Flood Protection Elevation, as determined by the Floodplain Administrator, to the highest point of the roof structure (ridge or parapet). Normal

projections such as chimneys, spires, vents, mechanical equipment and elevator shafts that do not protrude above the roof more than four feet are excluded.

SECTION 7. Chapter 8, Section 802.9, is hereby amended as follows. Strikethrough text indicates deletions. Underlined text indicates revisions or additions.

802.9. Building occupancy as-built survey. Prior to the issuance of a certificate of occupancy, a final location and as-built survey shall be submitted for review and approval. This survey shall be prepared by a Florida professional surveyor or mapper, indicating legal setbacks, the location and dimension of all structures, driveways, sidewalks, irrigation wells, and drainage improvements, including swales, berms, and pipe invert elevations, if applicable. This survey shall also include the required elevation information stated in section 802.8 above, and shall include any information required for compliance with other Land Development Code requirements ~~the City's floodplain regulations~~. The survey shall reference the benchmark source used for derivation of vertical and horizontal information on the survey.

SECTION 8. Chapter 8, Sections 814, 815, 816, and 817 are hereby amended as follows. Strikethrough text indicates deletions. Underlined text indicates revisions or additions.

Section 814. Administrative amendments to the Florida Building Code.

Modify Sec. 107.3.5 as follows:

107.3.5 Minimum plan review criteria for buildings.

Residential (one- and two-family):

6. Structural requirements shall include:

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), equipment, and flood damage-resistant materials.

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

~~117 VARIANCES IN FLOOD HAZARD AREAS~~

~~117.1 Flood hazard areas. Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code,~~

~~Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.~~

Section 815. Technical amendments to the Florida Building Code, Building, for flood hazard areas.

Modifications to Section 1612 (Flood loads)

1612.4.3. 4612-4.1 Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 3 feet 2 feet (610 mm), whichever is higher, except dry floodproofing shall be as specified in ASCE 24 or the base flood elevation plus 2 feet, whichever is higher.

1612.4.4. 4612-4.2. Additional requirements for enclosed areas for multifamily residential buildings. In addition to the requirements of ASCE 24, enclosed areas below the lowest floor of multifamily residential buildings design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators.

1612.4.5 Modification of ASCE 24 (Coastal A Zone). ASCE 24 Chapter 4 provisions for stem walls shall not apply in Coastal A Zones.

Modification to 202 4612-2 (Definitions)

COASTAL A ZONE. See Chapter 1, Land Development Code, City of Bradenton Beach. Area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flooding must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 1 ½ feet (457 mm). The inland limit of the coastal A zone is (a) the Limit of Moderate Wave Action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or improvement of a building or structure taking place during a 1 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 1 year period begins when a certificate of completion or certificate of occupancy is issued, or when a final inspection of improvements is approved on the date of the first permit issuance for improvement or repair of that structure subsequent to the effective date of this ordinance. If the structure has sustained 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 that the alteration will not preclude the structure's continued designation as a historic structure.

Section 816. Technical amendments to the Florida Building Code, Residential, for flood hazard areas.

Modify Sec. R322.2 as follows:

R322.2 Flood hazard areas (including A Zones). All areas that have been determined to be prone to flooding but not subject to high velocity wave action shall be designated as flood hazard areas. Flood hazard areas that have been delineated on the FIRM as subject to wave heights between 1 1/2 feet (457 mm) and 3 feet (914 mm) and flood hazard areas that are seaward of the Coastal Construction Control Line shall be designated as Coastal A Zones as defined in Chapter 1, Land Development Code, City of Bradenton Beach, are subject to the requirements of Section R322.3. All building and structures constructed in whole or in part in flood hazard areas shall be designed and constructed in accordance with Sections R322.2.1 through R322.2.3.

~~R322.2.1 Coastal A Zones. Buildings and structures in flood hazard areas designated as Coastal A Zones shall be designed and constructed in accordance with Section R322.3.~~

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas not including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 3 feet 1 foot (305 mm), 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 3 feet 1 foot (305 mm), or not less than 5 feet 3 feet (915 mm) if a depth number is not specified.
3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 3 feet 1 foot (305 mm), or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.

~~R322.2 Flood hazard areas (including A Zones).~~

~~All areas that have been determined to be prone to flooding but not subject to high velocity wave action shall be designated as flood hazard areas. Flood hazard areas that have been delineated on the FIRM as subject to wave heights between 1 1/2 feet (457 mm) and 3 feet (914 mm) and flood hazard areas that are seaward of the Coastal Construction Control Line shall be designated as Coastal A Zones. All building and structures constructed in whole or in part in~~

~~flood hazard areas shall be designed and constructed in accordance with Sections R322.2.1 through R322.2.3.~~

~~R322.2.1 Coastal A Zones. Buildings and structures in flood hazard areas designated as Coastal A Zones shall be designed and constructed in accordance with Section R322.3.~~

~~R322.2.2 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 at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM, plus 2 feet, or at least 4 feet (10 mm) 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.~~

~~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.~~

~~R322.2.3 Enclosed areas below the required design flood elevation. Enclosed areas, including crawl spaces, that are below the required elevation shall not exceed 40 percent of the area of the footprint of the elevated building and design flood elevation shall:~~

- ~~1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators. The limitation on partitions does not apply to crawlspace foundations. Enclosed areas used for building access, including stairwells and elevators, shall be no larger than 250 sq. ft.~~

~~R322.2.3 Foundation design and construction. Foundation walls for buildings and structures erected in flood hazard areas shall meet the requirements of Chapter 4 and shall be designed and certified by registered design professionals.~~

~~**Exception:** Unless designed in accordance with Section R404:~~

~~1. The unsupported height of 6 inch (152 mm) plain masonry walls shall be not more than 3 feet (914 mm).~~

~~2. The unsupported height of 8 inch (203 mm) plain masonry walls shall be not more than 4 feet (1219 mm).~~

~~3. The unsupported height of 8 inch (203 mm) reinforced masonry walls shall be not more than 8 feet (2438 mm).~~

~~For the purpose of this exception, unsupported height is the distance from the finished grade of the under floor space to the top of the wall.~~

Modify Sec. R322.3 as follows:

R322.3 Coastal high-hazard areas (including V Zones and Coastal A Zones, where designated). Areas that have been determined to be subject to wave heights in excess of 3 feet (914 mm) or subject to high-velocity wave action or wave-induced erosion shall be designated as coastal high-hazard areas. Flood hazard areas ~~that have been designated as subject to wave heights between 1 ½ (457 mm) and 3 feet (914 mm) or otherwise designated by the jurisdiction shall be~~ designated as Coastal A Zones are defined in Chapter 1, Land Development Code, City of Bradenton Beach. Buildings and structures constructed in whole or in part in coastal high-hazard areas and coastal A Zones, where designated, shall be designed and constructed in accordance with Sections R322.3.1 through R322.3.7.

R322.3.1 Location and site preparation.

1. New buildings and buildings that are determined to be substantially improved pursuant to the Florida Building Code, Existing Building shall be located a minimum of fifty feet (50') landward of the reach of mean high tide.
2. For any alteration of sand dunes and mangrove stands, the building official shall require submission of an engineering analysis which demonstrates that the proposed alteration will not increase the potential for flood damage.

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 horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 3 feet ~~1 foot (305 mm)~~ 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.

~~1. All buildings and structures erected within coastal high hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is:~~

~~1.1. Located at or above base flood elevation plus 2 feet or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach, or~~

~~1.2. Located at the base flood elevation plus 3 feet, or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.~~

~~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.~~

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

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.

~~Exception: In Coastal A Zones, stem wall foundations supporting a floor system above and backfilled with soil or gravel to the underside of the floor system shall be permitted provided the foundations are designed to account for wave action, debris impact, erosion and local scour. Where soils are susceptible to erosion and local scour, stem wall foundations shall have deep footings to account for the loss of soil.~~

~~R322.3.4 Walls below design flood elevation.~~

~~Walls are permitted below the elevated floor, provided that such walls partitions 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 (479 Pa) and no more than 20 pounds per square foot (958 Pa); or~~
- ~~4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:
 - ~~4.1. The walls and partitions 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 shall be those required by this code.~~

- ~~5. If located in flood hazard areas designated as Coastal A Zones, the walls are provided with flood openings that meet the criteria in R322.2.2.~~

R322.3.6 Enclosed areas below the required design flood elevation. Enclosed areas below the required design flood elevation shall not exceed 40 percent of the area of the footprint of the elevated building and 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. Enclosed areas used for building access, including stairwells and elevators, shall be no larger than 250 sq. ft.

Section 817. Technical amendments to the Florida Building Code, Existing Building, for flood hazard areas.

Modify Section 202 (General Definitions) as follows:

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or improvement of a building or structure taking place during a 1 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 1 year period begins when a certificate of completion or certificate of occupancy is issued, or when a final inspection of improvements is approved on the date of the first permit issuance for improvement or repair of that structure subsequent to the effective date of this ordinance. If the structure has sustained 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 that the alteration will not preclude the structure's continued designation as a historic structure.

SECTION 9. Chapter 9 is revised and amended in its entirety, as follows. Strikethrough text indicates deletions. Underlined text indicates revisions or additions.

CHAPTER 9

FLOOD AND HURRICANE DAMAGE PREVENTION

Section 901. Title. These regulations shall be known as the Floodplain Management Chapter of the City of Bradenton Beach, hereinafter referred to as “this Chapter.”

Section 902. Scope. The provisions of this Chapter shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

Section 903. Intent. The purposes of this Chapter and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

903.1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;

903.2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

903.3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

903.4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

903.5. Minimize damage to public and private facilities and utilities;

903.6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

903.7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

903.8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

Section 904. Coordination with the Florida Building Code. This Chapter is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

Section 905. Warning. The degree of flood protection required by this Chapter and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on

Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this Chapter.

Section 906. Disclaimer of Liability. This Chapter shall not create liability on the part of the City Commission of Bradenton Beach or by any officer or employee thereof for any flood damage that results from reliance on this Chapter or any administrative decision lawfully made thereunder.

Section 907. General Provisions and Applicability.

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

907.2. Areas to which this Chapter applies. This Chapter shall apply to all flood hazard areas within the city, as established in subsection 907.3.

907.3. Basis for establishing flood hazard areas. The Flood Insurance Study for Manatee County, Florida and Incorporated Areas dated ~~August 10, 2021~~ ~~March 17, 2014~~, 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 Planning and Development Department.

907.4. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to section 910 the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

907.4.1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this Chapter and, as applicable, the requirements of the Florida Building Code.

907.4.2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

907.5. Other laws. The provisions of this Chapter shall not be deemed to nullify any provisions of local, state or federal law.

907.6. Abrogation and greater restrictions. This Chapter supersedes any Chapter in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing Chapters including but not limited to land development regulations, zoning Chapters, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this Chapter and any other Chapter, the more restrictive shall govern. This

Chapter shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this Chapter.

907.7. Interpretation. In the interpretation and application of this Chapter, all provisions shall be:

907.7.1. Considered as minimum requirements;

907.7.2. Liberally construed in favor of the governing body; and

907.7.3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 908. Duties and Powers of the Floodplain Administrator.

908.1. Designation. The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

908.2. General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this Chapter. The Floodplain Administrator shall have the authority to render interpretations of this Chapter consistent with the intent and purpose of this Chapter and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Chapter without the granting of a variance.

908.3. Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

908.3.1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

908.3.2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this Chapter;

908.3.3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

908.3.4. Provide available flood elevation and flood hazard information;

908.3.5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

908.3.6. Review applications to determine whether proposed development will be reasonably safe from flooding;

908.3.7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this Chapter is demonstrated, or disapprove the same in the event of noncompliance;

908.3.8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this Chapter.

908.4. Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

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

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

908.4.3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires an evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; and

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

908.5. Modifications of the strict application of the requirements of the Florida Building Code. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 912.

908.6. Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this Chapter.

908.7. Inspections. The Floodplain Administrator shall make the required inspections as specified in Section ~~911~~ 942 for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

908.8. Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

908.8.1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 908.4.

~~908.8.2. Require that applicants proposing alteration of a watercourse notify adjacent communities, Florida Division of Emergency Management, Southwest Florida Water~~

~~Management District, and the State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);~~

~~908.8.2. 908.8.3-~~ Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations and; flood hazard area boundaries, ~~or floodway designations~~; such submissions shall be made within 6 months of such data becoming available;

~~908.8.3. 908.8.4-~~ Review required design certifications and documentation of elevations specified by this Chapter and the Florida Building Code to determine that such certifications and documentations are complete;

~~908.8.4. 908.8.5-~~ Notify the Federal Emergency Management Agency when the corporate boundaries of Bradenton Beach are modified; and

~~908.8.5. 908.8.6-~~ Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

908.9. Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this Chapter and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this Chapter; ~~notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained~~; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this Chapter and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Planning and Development Department.

Section 909. Permits

909.1. 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 and all other applicable codes and regulations has been satisfied.

909.2. Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this Chapter for any development activities not subject to

the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

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

909.2.1.1. Railroads and ancillary facilities associated with the railroad.

909.2.1.2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.

909.2.1.3. Temporary buildings or sheds used exclusively for construction purposes.

909.2.1.4. Mobile or modular structures used as temporary offices.

909.2.1.5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.

909.2.1.6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

909.2.1.7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

909.2.1.8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

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

909.3. 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:

909.3.1. Identify and describe the development to be covered by the permit or approval.

909.3.2. 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.

909.3.3. Indicate the use and occupancy for which the proposed development is intended.

909.3.4. Be accompanied by a site plan or construction documents as specified in Section 910 of this Chapter.

909.3.5. State the valuation of the proposed work.

909.3.6. Be signed by the applicant or the applicant's authorized agent.

909.3.7. Give such other data and information as required by the Floodplain Administrator.

909.3.8. For projects proposing to enclose areas under elevated dwellings, include signed Declaration of Land Restriction (Nonconversion Agreement); the agreement shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

909.4. Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this Chapter shall not be construed to be a permit for, or approval of, any violation of this Chapter, the Florida Building Codes, or any other Chapter of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

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

909.6. Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this Chapter or any other Chapter, regulation or requirement of this community.

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

909.7.1. The Southwest Florida Water Management District; section 373.036, F.S.

909.7.2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.

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

909.7.4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.

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

909.7.6. Federal permits and approvals.

Section 910. Site Plans and Construction Documents

910.1. 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:

~~910.1.1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development. Flood zone(s), base flood elevation(s), ground elevations, and proposed building elevations shall be provided on a FEMA Elevation Certificate.~~

~~910.1.2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 910.2.2. or 910.2.3. of this Chapter.~~

~~910.1.3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 910.2.1. of this Chapter.~~

~~910.1.2.~~ 910.1.4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A Zones, new buildings shall be located a minimum of fifty feet (50') landward of the reach of mean high tide.

~~910.1.3.~~ 910.1.5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

~~910.1.4.~~ 910.1.6. 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.

~~910.1.5.~~ 910.1.7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.

~~910.1.6.~~ 910.1.8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

~~910.1.9. Existing and proposed alignment of any proposed alteration of a watercourse.~~

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

~~910.2. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:~~

~~910.2.1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.~~

~~910.2.2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.~~

~~910.2.3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:~~

~~910.2.3.1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or~~

~~910.2.3.2. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.~~

~~910.2.4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.~~

910.2. 910.3. Additional analyses and certifications. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

~~910.3.1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 910.4. of this Chapter and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.~~

~~910.3.2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.~~

~~910.3.3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 910.4. of this Chapter.~~

~~910.3.4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.~~

~~910.3.~~ 910.4. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Section 911. Inspections

911.1. General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

911.2. Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this Chapter and the conditions of issued floodplain development permits or approvals.

911.3. Buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this Chapter and the conditions of issued floodplain development permits or approvals.

911.3.1. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

~~911.3.1.1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or~~

~~911.3.1.2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 910.2.3.2. of this Chapter, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.~~

911.3.2. Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall

submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; ~~such certifications and documentations shall be prepared as specified in Section 910.1.1. of this Chapter.~~

911.3.3. Manufactured homes. The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this Chapter and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

Section 912. Variances and appeals.

912.1. General. The city commission shall hear and decide on requests for appeals and requests for variances from the strict application of this division. Pursuant to F.S. § 553.73(5), the city commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

912.2. Appeals. The city commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this division. Any person aggrieved by the decision of the city commission may appeal such decision to the circuit court, as provided by state statutes.

912.3. Limitations on authority to grant variances. The city commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 912.6., the conditions of issuance set forth in Section 912.7., and the comments and recommendations of the floodplain administrator and the building official. The city commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this division.

~~912.3.1. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 910.3. of this Chapter.~~

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

912.5. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, ~~this Chapter 1, provided the variance meets the requirements of Section 912.3.1.,~~ provided it is the

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

912.6. Considerations for issuance of variances. In reviewing requests for variances, the City Commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this Chapter, and the following:

912.6.1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

912.6.2. The danger to life and property due to flooding or erosion damage;

912.6.3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

912.6.4. The importance of the services provided by the proposed development to the community;

912.6.5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

912.6.6. The compatibility of the proposed development with existing and anticipated development;

912.6.7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

912.6.8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;

912.6.9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

912.6.10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

912.7. Conditions for issuance of variances. Variances shall be issued only upon:

912.7.1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this Chapter or the required elevation standards;

912.7.2. Determination by the City Commission that:

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

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

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

912.7.3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and

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

Section 913. Violations

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

913.2. Authority. For development that is not within the scope of the Florida Building Code but that is regulated by this Chapter and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

913.3. Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed pursuant to Chapter 2, Article III, Division 2 (Code Enforcement) of the Code of Chapters.

Section 914. Flood Resistant Development

914.1. Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Section 909.2.1. of this Chapter, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 920. of this Chapter.

914.2. Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

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

914.2.2. Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this Chapter and ASCE 24.

914.3. Alterations to compliant structures. Any addition, alteration, repair, reconstruction or improvement to a structure or building that is in compliance with the provisions of this division shall meet the requirements of "new construction".

914.4. Alterations to non-compliant structures. Notwithstanding any finding that a development activity is in compliance with substantial improvement review and approval, if not determined to be substantial improvement or repair of substantial damage pursuant to Section 908.4. of this Chapter, any addition, alteration, repair, reconstruction or improvement to a structure which is non-conforming as to other zoning regulations shall be permitted only if said nonconformity is not furthered, extended, or replaced.

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

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

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

915.5.3. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.

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

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

Section 915. Subdivisions

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

915.1.1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

915.1.2. 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

915.1.3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

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

915.2.1. Delineation of flood hazard areas, ~~floodway boundaries and~~ flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats; and

~~915.2.2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 910.2.1. of this Chapter; and~~

915.2.2 ~~915.2.3.~~ Compliance with the site improvement and utilities requirements of Section 916 of this Chapter.

Section 916. Site Improvements, Utilities and Limitations

916.1. Minimum requirements. All proposed new development shall be reviewed to determine that:

916.1.1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

916.1.2. 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

916.1.3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

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

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

~~916.4. Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 910.3 of this Chapter demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.~~

916.4 ~~916.5.~~ 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. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code. Certification shall be provided by a registered Professional Engineer or Architect that the placement of fill pursuant to a development permit shall not have an adverse effect on neighboring properties.

~~916.5~~ ~~916.6~~. Limitations on sites in coastal high hazard areas (Zone V) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 910.2 ~~910.3.4~~ of this Chapter demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 920.3.3 ~~920.8.3~~ of this Chapter.

Section 917. Manufactured Homes

917.1 General. All manufactured homes not subject to the requirements of the Florida Building Code which are installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this Chapter. If located seaward of the coastal construction control line, all manufactured homes shall comply with the most restrictive of the applicable requirements.

917.2. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent foundations that are:

917.2.1. Consistent with the site and flood hazard limitations and design criteria and the recommended designs specified in FEMA P-85; or

917.2.2. Engineered to account for the base flood conditions at the site.

917.3 Foundations. All new manufactured homes and replacement manufactured homes not subject to the requirements of the Florida Building Code which are installed in flood hazard areas shall be installed on permanent, reinforced pilings or columns designed in accordance with the foundation requirements of FEMA P-85 and this Chapter. ~~foundations that:~~

~~917.3.1. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of FEMA P-85, and this Chapter. Where water velocities exceed 2.00 feet per second, support piers shall be reinforced and fully grouted, and anchored to pier footings set at scour depth. Foundations shall be designed and certified by a registered design professional.~~

~~917.3.2. In coastal high hazard areas (Zone V) and Coastal A Zones, are designed in accordance with the foundation requirements of FEMA P-85 and this Chapter. Except for existing manufactured home parks and subdivisions referenced in Section 917.5.2, piling foundations shall be the minimum requirement. Piling foundations shall be designed and certified by a registered Professional Engineer or Architect.~~

917.4. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely

anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

~~917.5 Elevation. All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or R322.3 (Zone V and Coastal A Zone). Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 917.5.1. or 917.5.2. of this Chapter, as applicable.~~

~~917.5.1. General elevation requirement. Unless subject to the requirements of Section 917.5.2. of this Chapter, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the base flood elevation plus three feet (3').~~

~~917.5.2. Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 917.5.1. of this Chapter, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

~~917.5.2.1. Bottom of the frame of the manufactured home is at or above the base flood elevation plus three feet (3') or above the elevation required, as determined from the Flood Insurance Rate Maps ; or~~

~~917.5.2.2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above the highest adjacent existing grade.~~

917.6 Enclosures. Areas below elevated manufactured homes subject to this Section shall not be enclosed except with decorative open wood lattice not more than ¾" thick, flexible vinyl slats, or aluminum screening. Where screen materials do not extend to grade, flow-through flood openings shall be installed on opposite or adjacent walls per the following criteria:

917.6.1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

917.6.2. The bottom of all openings shall be no higher than one foot above foundation adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and

917.6.3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.

917.7. Utility equipment. Utility equipment that serves newly installed or substantially improved manufactured homes ~~elevated to the requirements of Section 917.5.1. or 917.5.2., including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall be elevated to the requirements of Section 917.5 917.5.1 or 917.5.2.1., or shall be designed to prevent water from entering or accumulating within the components during conditions of flooding. Utility equipment that serves newly installed or substantially improved manufactured homes elevated to the requirements of 917.5.2.2., including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall be elevated to at least three feet (3') above highest adjacent existing grade, or shall be designed to prevent water from entering or accumulating within the components during conditions of flooding.~~

Section 918. Recreational Vehicles and Park Trailers

918.1. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

918.1.1. Be on the site for fewer than 180 consecutive days; or

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

918.2. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in 918.1 of this Chapter for temporary placement shall meet the requirements of Section 917 of this Chapter for manufactured homes.

Section 919. Tanks

919.1 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.

919.2 Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 919.3 of this Chapter shall:

919.2.1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas and Coastal A Zones, 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.

919.2.2. Not be permitted in coastal high hazard areas (Zone V) and Coastal A Zones.

919.3. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is

designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

919.4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

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

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

Section 920. Other Development

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

920.1.1. Be located and constructed to minimize flood damage;

~~920.1.2. Meet the limitations of Section 916.4. of this Chapter if located in a regulated floodway;~~

~~920.1.2~~ ~~920.1.3.~~ Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

~~920.1.3~~ ~~920.1.4.~~ Be constructed of flood damage-resistant materials; and

~~920.1.4~~ ~~920.1.5.~~ Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

~~920.2. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 916.4. of this Chapter.~~

~~920.3. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 916.4. of this Chapter.~~

~~920.4. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 916.4. of this Chapter. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of 910.3.3. of this Chapter.~~

~~920.5. 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 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:~~

~~920.5.1. Structurally independent of the foundation system of the building or structure;~~

~~920.5.2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and~~

~~920.5.3. Have a maximum slab thickness of not more than four (4) inches.~~

~~920.6. 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 and Coastal A Zones, decks and patios shall be located, designed, and constructed in compliance with the following:~~

~~920.6.1. 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.~~

~~920.6.2. 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 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.~~

~~920.2. 920.7. Other development in coastal high hazard areas (Zone V) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:~~

~~920.2.1. 920.7.1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;~~

~~920.2.2. 920.7.2. 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~~

920.2.3. ~~920.7.3.~~ On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

920.3. ~~920.8.~~ Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A zones. In coastal high hazard areas and Coastal A Zones:

920.3.1. ~~920.8.1.~~ Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

920.3.2. ~~920.8.2.~~ Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

920.3.3. ~~920.8.3.~~ Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave 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.

920.4. ~~920.9.~~ Free of Obstruction requirements – Seaward (west) of Gulf Drive. The following free of obstruction requirements shall apply to all properties and areas west of Gulf Drive within the City of Bradenton Beach.

920.4.1. ~~920.9.~~ Fences along the Gulf of Mexico can cause problems in major storm events by obstructing the free flow of wind and water. Fences located west of Gulf Drive shall:

920.4.1.1. ~~920.9.1.1.~~ Not exceed six feet in height unless part of a required swimming pool barrier.

920.4.1.2. ~~920.9.1.2.~~ Allow for the free flow of air and water between slats.

920.4.1.3. ~~920.9.1.3.~~ Have at least 50% of the fence area open to accomplish the above purpose.

920.4.1.4. ~~920.9.1.4.~~ Be installed without concrete or permanent anchoring, allowing for frangibility and breakaway capability during storm events.

920.4.1.5. ~~920.9.1.5.~~ Not create any floodwater ramping effects on adjacent properties or structures.

920.4.1.6. ~~920.9.1.6.~~ Not aggravate any flooding conditions, nor endanger surrounding properties.

920.4.1.7. ~~920.9.1.7.~~ Not be constructed of chain link material.

920.4.2. ~~920.9.2.~~ Swimming pools located west of Gulf Drive shall, in addition to any requirements of Chapter 3109, Florida Building Code, be subject to the following:

~~920.4.2.1. 920.9.2.1.~~ Swimming pools shall not be placed beneath the structure, and the top of the pool and accompanying pool deck or walkway shall be flush with existing grade.

~~920.4.2.2. 920.9.2.2.~~ Enclosures around pools shall be prohibited.

~~920.4.2.3. 920.9.2.3.~~ Pools shall be designed and anchored so that flood, storm surge, wave, wind or debris impacts will not adversely affect surrounding structures or properties.

~~920.4.2.4. 920.9.2.4.~~ Pool decks and patio decks placed under or adjacent to structures shall be structurally independent of the building and its foundation.

~~920.4.2.5. 920.9.2.5.~~ Pool designs shall be accompanied by a sealed and certified statement by a Florida Professional Engineer or Florida Registered Architect that "this pool will not rise, float or move during coastal flooding, and will not result in damage to any adjacent building or structure".

~~920.4.2.6. 920.9.2.6.~~ Single-family residences shall be limited to one pool, and each multifamily development shall be limited to one shared community pool.

~~920.4.2.7. 920.9.2.7.~~ Pools shall not be placed in the dune system or within ten feet (10') of the landward toe of any dune.

921. Definitions

~~See Section 109 of this code for definitions used in this chapter. Where terms are not defined in Section 109 and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.~~

~~921.1. Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.~~

~~921.2. Terms defined in the *Florida Building Code*. Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.~~

~~921.3. Terms not defined. Where terms are not defined in this Chapter or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.~~

~~Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.~~

~~Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.~~

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

~~Base flood. A flood having a 1 percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100 year flood" or the "1 percent annual chance flood."~~

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

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

~~Coastal A zone. That area immediately landward of the coastal high hazard area (V Zone) which may be subject to breaking wave heights between 1.5 feet and 3.0 feet. For purposes of delineation with the City of Bradenton Beach, the Coastal A zone is designated as any property or lands lying seaward of the Coastal Construction Control Line referenced below or the Limit of Moderate Wave Action if delineated on the FIRM, whichever is most restrictive.~~

~~Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., 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. [Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]~~

~~Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]~~

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

~~Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]~~

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

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

~~Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before June 11, 1971. [Also defined in FBC, B, Section 1612.2.]~~

~~Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 11, 1971.~~

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

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

~~FEMA P-85. A publication titled *Protecting Manufactured Homes from Floods and Other Hazards: A Multi-Hazard Foundation and Installation Guide*, published by the Federal Emergency Management Agency, Washington, D.C.~~

~~Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]~~

~~(1) The overflow of inland or tidal waters.~~

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

~~Flood damage resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]~~

~~Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]~~

~~(1) The area within a floodplain subject to a 1-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 1612.2.]~~

~~Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and~~

~~Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]~~

~~Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this Chapter (may be referred to as the Floodplain Manager).~~

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

~~Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]~~

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

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

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

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

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

~~Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:~~

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

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

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

~~Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.~~

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

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

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

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

~~Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]~~

~~Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C 1.0101, F.A.C.]~~

~~Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.~~

~~Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this Chapter, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.~~

~~New construction (for floodplain management purposes). 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 June 11, 1971, and includes any subsequent improvements to such structures.~~

~~New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 11, 1971.~~

~~Recreational vehicle. A vehicle, including a park trailer, which is: [See section 320.01, F.S.]~~

- ~~(1) Built on a single chassis;~~
- ~~(2) Four hundred (400) 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.~~

~~Park trailer. A transportable unit which has a body width not exceeding fourteen (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 320.01, F.S.]~~

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

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

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

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

~~Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before damaged condition would equal or exceed 50~~

~~percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B, Section 1612.2.]~~

~~Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 1 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the 1 year period begins on the date of the first permit issuance for improvement or repair of that building or structure subsequent to the effective date of this Chapter. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]~~

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

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

~~Variance (for floodplain management purposes). A grant of relief from the requirements of this Chapter, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this Chapter or the Florida Building Code.~~

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

Section 922. Administrative and technical amendments to the Florida Building Code.

See Chapter 8 of this code for administrative and technical amendments to the Florida Building Code, for flood hazard areas.

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

117 Variances in Flood Hazard Areas

~~**117.1 Flood Hazard areas.** Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management Chapter shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code,~~

~~Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building.~~

~~Section 923. Technical amendments to the Florida Building Code, Building, for flood hazard areas.~~

~~**1612.4.1 Elevation requirements.** The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 2 feet (610 mm), whichever is higher.~~

~~**1612.4.2. Additional requirements for enclosed areas.** In addition to the requirements of ASCE24, enclosed areas below the design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators.~~

~~Modification to 161.2. (Definitions)~~

~~**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 1 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 1 year period begins on the date of the first permit issuance for improvement or repair of that structure subsequent to the effective date of this Chapter. If the structure has sustained 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 that the alteration will not preclude the structure's continued designation as a historic structure.~~

~~Section 924. Technical amendments to the Florida Building Code, Residential, for flood hazard areas.~~

~~Modify Section R322.2 as follows:~~

~~R322.2 Flood hazard areas (including A Zones).~~

~~All areas that have been determined to be prone to flooding but not subject to high velocity wave action shall be designated as flood hazard areas. Flood hazard areas that have been delineated on the FIRM as subject to wave heights between 1 1/2 feet (457 mm) and 3 feet (914 mm) and flood hazard areas that are seaward of the Coastal Construction Control Line shall be designated as Coastal A Zones. All building and structures constructed in whole or in part in flood hazard areas shall be designed and constructed in accordance with Sections R322.2.1 through R322.2.3.~~

~~**R322.2.1 Coastal A Zones.** Buildings and structures in flood hazard areas designated as Coastal A Zones shall be designed and constructed in accordance with Section R322.3.~~

~~**R322.2.2 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 at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM, plus 2 feet, or at least 4 feet 2 feet (610 mm) 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.~~

~~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.~~

~~**R322.2.3 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 access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators. The limitation on partitions does not apply to crawlspace foundations~~

Modify Section R322.3 as follows:

R322.3.1 Location and site preparation.

~~1. New buildings and buildings that are determined to be substantially improved pursuant to the Florida Building Code, Existing Building shall be located a minimum of fifty feet (50') landward of the reach of mean high tide.~~

~~2. For any alteration of sand dunes and mangrove stands the building official shall require submission of an engineering analysis which demonstrates that the proposed alteration will not increase the potential for flood damage.~~

R322.3.2 Elevation requirements.

~~1. All buildings and structures erected within coastal high hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is:~~

~~1.1. Located at or above base flood elevation plus 2 feet or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach, or~~

~~1.2. Located at the base flood elevation plus 3 feet, or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular~~

~~to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.~~

- ~~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.~~

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

~~R322.3.4 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 (479 Pa) and no more than 20 pounds per square foot (958 Pa); or~~
- ~~4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:
 - ~~4.1. The walls and partitions 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 shall be those required by this code.~~~~
- ~~5. If located in flood hazard areas designated as Coastal A Zones, the walls are provided with flood openings that meet the criteria in R322.2.2.~~

~~R322.3.5 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.~~

Section 925. Technical amendments to the ~~Florida Building Code, Existing Building, for flood hazard areas.~~

Modify Section 202 (General Definitions) as follows:

~~SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 1 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the 1 year period begins on the date of the first permit issuance for improvement or repair of that building or structure subsequent to the effective date of this Chapter. If the structure has sustained 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 that the alteration will not preclude the structure's continued designation as a historic structure.~~

SECTION 10. 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. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

SECTION 11. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in **{insert name of community or all unincorporated areas of the county}**. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 12. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the **{community's governing body}** that the provisions of this ordinance shall become and be made a part of the **{name of community's}** Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 13. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 14. Scrivener's Error. Staff shall be vested with the authority to correct any scrivener's errors and to re-number this Ordinance as necessary.

SECTION 15. EFFECTIVE DATE.

This ordinance shall take effect on **August 10, 2021**.

PASSED AND DULY ADOPTED with a quorum present and voting the ___ th day of _____, 2021.

CITY OF BRADENTON BEACH, FLORIDA, BY AND THROUGH THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH.

BY: _____
JOHN CHAPPIE, MAYOR

ATTEST: _____
TERRI SANCLEMENTE, CITY CLERK

City of BRADENTON BEACH

State of Florida

107 Gulf Drive North – Bradenton Beach, Florida 34217 – P 941-778-1005 Ext. 210 / FAX: 779-2745

Memo for Ordinance 21-536

There are four main factors driving the adoption of this Ordinance.

- 1- FEMA has completed an updated Flood Insurance Study for this area of Florida. Computer modeling, including past storms as well as computer generated storms, has been in progress since 2013. The result is a new Flood Insurance Study for Manatee County, including the municipalities. Included with this Study is a new set of Flood Insurance Rate Maps, which include Bradenton Beach. It must be noted that FEMA does not include fluctuations in sea levels over time, only the data from past storms and some random computer generated storms. Per Federal Code of Regulations, when a new Flood Insurance Study (and maps) becomes effective, every local community is required to adopt the new Study (and maps) by local Ordinance.
- 2- FEMA has promulgated some new guidance on accessory buildings, including detached garages, sheds, and agricultural buildings. The State Floodplain Management Office has also issued guidance related to local floodplain ordinances in response. We are required to incorporate these issues in our local Ordinance.
- 3- The Community Rating System, which the City participates in, has updated their rules for 2021, which directly affects both of the “mobile home” parks in the City. We are required to adopt revisions which basically set aside “Pre-Firm” exceptions for the Pre-FIRM mobile home parks, in order to maintain our Class 6 rating, which provides for a 20% discount on all flood insurance policies.
- 4- The Florida Building Code has, since the 2010 version, included floodplain management regulations. Every 3 years, this Code has been revised for certain floodplain specific language, reflecting changes in the International Building Codes (the base documents for the Florida Code). Once again, with the automatic rollout of the 7th Edition of the Florida Building Code(s), certain text, and a number of definitions, have been revised. Per Florida Statute 553, local municipalities with higher regulatory standards than the Florida Building Code are required to revise the Statewide Code with their own higher technical standards. These do not “sunset”, but they must be updated to follow the Statewide Code changes.

Specifics:

- 1- Sections 109 and 921 are being revised because a number of definitions are now included in the Florida Building Codes. Several definitions are no longer needed, or have been superseded. A few more have been revised by “technical updates” in order to add higher regulatory requirements, per memo item 4 above.
- 2- Chapters 2 and 3 of the Land Development Code (LDC) have been amended to address Items 1 (Sea Level Fluctuations) and 2 (FEMA policy #104-008-03). In addition, because the new Flood Insurance Rate Maps have, in some situations, resulted in lower minimum required elevations, the additional freeboard requirement in the technical amendments to the Statewide Code will serve to partially fulfill the resiliency needs for potential sea level rise over the planning horizon,

allowing for added on-grade slab elevation to keep “dry feet” in parking and entry enclosures. This strategy will require additional requirements in Chapter 3 to fully implement, for future resiliency.

- 3- Probably the most painful choice to make is related to the Community Rating System requirement to basically set aside the exemption for mobile home parks which existed in our community prior to any implementation of Federal Flood Protection rules. There has been, and still exists, an exemption for these Parks, to allow for new and replacement mobile homes (manufactured homes under HUD regulations) to be installed 3’ above existing grade. This new requirement under the Community Rating System will require all new and replacement homes to be elevated to the Base Flood Elevation as indicated on the Flood Insurance Rate Maps, plus whatever “freeboard” exists in local Ordinance. The net result of this is that for both of our Parks, the cost for new and replacement homes will increase substantially. However, should the City decide not to implement this change, every single flood insurance policy holder in the City will lose half of their current 20 percent premium discount. This may not mean that much to a property owner of a duplex, or a single family dwelling, with minimum flood insurance coverage. However, for the condominiums, the hotels, motels, and businesses, this would mean a very significant increase in flood insurance, across the City.
- 4- All of the revisions to Chapter 8 of the Land Development Code are directly tied to the local technical amendments to the Florida Building Code. In particular is the proposal to increase “freeboard” from 2 feet to 3 feet. Some of this is for resiliency, as noted in Items 2. Some, however, is related to keeping the maximum overall height to the “peak of roof” at the current elevations. The new Flood Insurance Rate Maps indicate a number of locations where the Base Flood Elevation has actually dropped. In most cases, the elevation drop is 1 foot. In a few cases, the elevation drop is 2 feet. By adding another foot of elevation, we provide room to elevate the on-grade slab heights, as well as providing some measure of equality for the overall height to peak of roof, including balconies and decks, and potential roof decks as well.
- 5- Chapter 9 has been revised to remove regulations in floodways, because we don’t have any of them in the City; add a “non-conversion agreement” to the application process to further strengthen the prohibition against converting garages and entries to living space; add language addressing accessory structures (per the new FEMA policy); remove the previous exemption to permit mobile homes to be installed 3 feet above grade; remove other regulations that are now in the Florida Building Code; remove definitions now in the Florida Building Code, and move a few definitions which are local to Chapter One, Section 109.

NFIP's Community Rating System (CRS) Class 8 Freeboard Prerequisite



Frequently Asked Questions

November 2020

The Community Rating System (CRS) is a voluntary program that provides flood insurance premium discounts to communities that implement programs and measures that exceed the minimum floodplain management requirements of the National Flood Insurance Program (NFIP). The CRS determines discounts based on credit points provided for floodplain management activities. To achieve certain CRS Class ratings, communities must meet certain program prerequisites in addition to obtaining the credit points. In January 2021, the CRS will implement a new Class 8 prerequisite for freeboard for all participating and new CRS communities. Below are some frequently asked questions about the CRS Class 8 freeboard prerequisite. Answers to questions 1–12 were released in July 2020. Questions 13–17 were added in October 2020. Questions 16 and 17 were clarified in November 2020.

A community with additional questions about the prerequisite or the CRS should contact its ISO/CRS Specialist. For a list of ISO/CRS Specialists, see the [CRS Resources website](#). State NFIP Coordinators or FEMA Regional CRS Coordinators can assist with model ordinance or sample regulatory language for freeboard, and other higher regulatory standards. A list of [State NFIP Coordinators](#) can be found here. Contact information for FEMA is available at the [FEMA website](#).

1. What is the new CRS Class 8 freeboard prerequisite?

Section 211 of the 2017 *CRS Coordinator's Manual* will be changed to read:

“In order to be a Class 8 or better . . .

- (1) The community must meet all the Class 9 prerequisites.
- (2) The community must adopt and enforce at least a 1-foot freeboard requirement (including machinery and equipment) for all residential buildings constructed, substantially improved, and/or reconstructed due to substantial damage, throughout its Special Flood Hazard Area (SFHA) where base flood elevations have been determined on the Flood Insurance Rate Map (FIRM) or in the Flood Insurance Study (FIS), except those areas that receive open space credit under Activity 420 (Open Space Preservation).”

2. Why is FEMA making freeboard a Class 8 prerequisite in the CRS?

The goal is to further the flood resiliency of our Nation. FEMA is working to ensure that homes are built to better withstand natural disasters, including floods. The CRS credits community efforts that exceed the minimum floodplain management requirements of the NFIP. Freeboard—a margin of safety added to the level of the base flood—definitively exceeds those minimum standards. Research shows that higher regulatory standards reduce future flood

damage, and the importance is recognized by over 80% of CRS communities who already require freeboard. With freeboard in place, homes are not only better protected from flood damage, but also flood insurance costs less. The expense of elevating a new home an additional foot often can be recaptured in lower flood insurance premiums over 5 years or less.

3. How will the change in the 2017 CRS Coordinator's Manual be made?

FEMA will issue an addendum to the 2017 *CRS Coordinator's Manual* that will be effective on January 1, 2021. CRS communities and the Insurance Services Office, Inc. (ISO) will continue to use the 2017 *Coordinator's Manual* along with the 2021 Addendum, until such time that FEMA issues a new *Coordinator's Manual*, likely not before 2023.

4. Which CRS communities does the Class 8 freeboard prerequisite affect?

The Class 8 freeboard prerequisite affects Class 5 through Class 8 communities. The prerequisite will not affect Class 9 communities. Communities in Classes 1 through 4 already meet the new freeboard prerequisite.

5. When will the Class 8 freeboard prerequisite be applied to participating CRS communities?

The Class 8 freeboard prerequisite will be required of CRS communities at their first CRS cycle verification visit after January 1, 2021. Ordinance, regulatory, or building code language that meets the Class 8 prerequisite must be adopted, and provisions must be enforced, no later than the first cycle visit after January 1, 2021. However, an earlier date for community enforcement of the Class 8 freeboard prerequisite may be required in a new (2023 or later) *CRS Coordinator's Manual*. This means that communities that are not due for a cycle visit until 2023 or later should not wait to adopt the freeboard requirement.

6. Can a community still join or participate in the CRS without a freeboard requirement?

Yes. Any community that meets the CRS Class 9 prerequisites can apply to join the CRS and become a Class 9 community. Any already-participating CRS community that cannot meet the Class 8 freeboard prerequisite at its first cycle visit after 2021 will change to a Class 9 community (see previous question).

7. Where must a community require at least 1 foot of freeboard?

Communities must enforce the freeboard requirement for all residential buildings that are new, substantially improved, and/or reconstructed due to substantial damage throughout the SFHA where base flood elevations have been determined on the FIRM or in the FIS. This means all "numbered zones" in the SFHA. The CRS will not require freeboard in unnumbered zones within the SFHA.

8. The prerequisite includes all residential buildings. Does this include manufactured homes?

Yes. At least 1 foot of freeboard is required for manufactured homes, including machinery and equipment.

9. If a community adopts the International Code Council codes, will it meet the requirements for the Class 8 freeboard prerequisite?

Yes, provided that the adopted building code includes freeboard for residential buildings and the community is enforcing the freeboard provisions. This includes adopted state building codes that are enforced in the community. The CRS credits other higher standards included in building codes. For example, coastal CRS communities that have adopted and enforce recent building codes and have newer FIRMs often can qualify for Coastal A Zones credit under Activity 430 (Higher Regulatory Standards).

10. Should a community require more than 1 foot of freeboard?

All communities are encouraged to consider adopting additional freeboard. This may mean freeboard in all flood zones. It may mean more than 1 foot of freeboard. It may mean applying the freeboard standard to all building types. Remember, CRS credit is available for the enforcement of freeboard under CRS Activity 430 (Higher Regulatory Standards).

11. Will communities receive CRS credit for the enforcement of freeboard for residential buildings?

Yes. Communities will continue to receive freeboard credit (FRB) under Activity 430 (Higher Regulatory Standards) for enforcing freeboard for residential buildings. Communities that already receive FRB credit will continue to receive FRB credit. The basic FRB credit in the CRS is 100 points. FRB credit is higher when more freeboard is required or when elevation on fill is not allowed. An impact adjustment is applied to FRB credit.

12. What should CRS communities do in light of the Class 8 prerequisite?

Communities that currently enforce freeboard should check their floodplain ordinances and/or building codes to be sure that machinery and equipment are included, that substantially improved buildings are included, and that the provisions are being enforced.

Communities that do not now enforce at least 1 foot of freeboard for all new or substantially improved residential buildings, including machinery and equipment, within numbered zones of the SFHA will need to make changes to their floodplain ordinance and/or building code. Adoption and enforcement of the freeboard must occur before the community's first CRS cycle visit after January 1, 2021.

Answers to questions 13 through 17, below, were provided in October 2020. In November 2020, more information was provided for question 13 and clarifications were made to questions 16 and 17.

13. What residential buildings are included in the Class 8 freeboard requirement?

The Class 8 freeboard prerequisite applies to all residential buildings, whether single-family, multi-family, or manufactured. Note that one goal of the freeboard prerequisite is that all residential buildings benefit from a flood insurance rate based on a building elevation of at least 1 foot above the base flood elevation (BFE+1). For a full definition of "residential," see Appendix L of the NFIP's *Flood Insurance Manual*.

14. Does the Class 8 prerequisite include the replacement of manufactured homes in pre-FIRM manufactured home parks? And can the replaced manufactured home be 48 inches above grade to meet the Class 8 prerequisite?

The Class 8 freeboard prerequisite applies to all manufactured homes. All manufactured homes in numbered zones of the SFHA must have at least 1 foot of freeboard above the base flood elevation. This is consistent with the 2015 and 2018 International Residential Codes. A requirement that the manufactured home be 48 inches above grade is not by itself sufficient to meet the 1-foot freeboard requirement.

15. Are historic buildings subject to the Class 8 freeboard prerequisite?

No, historic structures (as defined in 44 *C.F.R.* §59.1) that are allowed an exemption (or variance) as anticipated by 44 *C.F.R.* §60.3 for substantial improvements may be exempt (or varied) from the Class 8 prerequisite. For CRS purposes, documentation of the exemption may be requested. A community interested in providing for the treatment of historic structures within its floodplain ordinance should contact its state historic preservation office or the FEMA Regional Office about recommended language.

16. May machinery and equipment be floodproofed instead of elevated to at least 1 foot above base flood elevation to meet the Class 8 freeboard prerequisite?

No. To meet the Class 8 prerequisite the building code or ordinance must require machinery or equipment to be elevated to at least 1 foot above the base flood elevation for buildings newly constructed, substantially improved, and/or reconstructed due to substantial damage. This requirement includes machinery and equipment placed within attached garages and/or within enclosures below elevated buildings, with the exception of utility meters and equipment specifically designed to withstand inundation according to the standards of the International Residential Codes and the NFIP. A community that allows floodproofing around machinery and equipment in lieu of elevation to the freeboard level does not meet the prerequisite.

17. Does the freeboard requirement for Class 8 apply to attached garages?

The Class 8 freeboard prerequisite will be met provided that attached garages and enclosures below elevated buildings meet the minimum requirements of the NFIP (elevated to the base flood elevation or having proper openings). As noted in question 16, all machinery and equipment in attached garages or in enclosures must be elevated to the freeboard level.

Florida Guidance for Accessory Structures and Agricultural Structures in Flood Hazard Areas

State Floodplain Management Office
Florida Division of Emergency Management
Helpline: 850-815-4556 and floods@em.myflorida.com

In February 2020, FEMA released FEMA Policy #104-008-03, a policy defining agricultural structures and accessory structures and specifying conditions and limitations that must be imposed when communities allow property owners to build those structures using wet floodproofing techniques instead of complying with the NFIP requirements to elevate or dry floodproof nonresidential structures.

The DEM State Floodplain Management Office (SFMO) developed this guidance based on the Policy. It was reviewed by floodplain management specialists with FEMA Region IV.

Florida communities are not required to modify local floodplain management regulations to incorporate requirements for wet floodproofed accessory structures that are smaller than the size limits established in the Policy and described below. Communities must modify regulations to process variances to allow larger accessory structures and to allow any wet floodproofed agricultural structures.

Communities in the NFIP must regulate all development in SFHAs. The NFIP regulations specify buildings and structures must be elevated to or above the Base Flood Elevation, with an allowance for dry floodproofing non-residential buildings in SFHAs identified as Flood Zone A/AE. It is only by FEMA policy that wet floodproofing measures are permitted in specific circumstances.

This guidance describes four options and includes model language for each option.

Option A. Rely on existing regulations, combined with a written administrative policy that is consistent with the FEMA Policy, to issue permits for wet floodproofed accessory structures that are not larger than the size limits specified in the Policy. This option does not require changing regulations. See **Attachment A**.

Option B. Modify floodplain management regulations to allow permits to be issued for wet floodproofed accessory structures that are not larger than the size limits specified in the Policy, as an alternative to Option A. See **Attachment B**.

Please Note! All communities that elect to modify regulations must submit draft ordinances to the SFMO several weeks before first reading.

Option C. Modify floodplain management regulations to specifically provide criteria for variances to allow wet floodproofed accessory structures that are larger than the size limits specified in the Policy. This option requires changing regulations. See **Attachment C**. Option C can be combined with Option D (variances for agricultural structures).

Please put the community name in the subject line and send to floods@em.myflorida.com.

Option D. Modify floodplain management regulations to specifically provide criteria for variances to allow wet floodproofed agricultural structures (as defined by the FEMA Policy). This option requires changing regulations. See **Attachment D**. Option D can be combined with Option C (variances for larger accessory structures).

Approaches Not Included in This Guidance. FEMA Policy #104-008-03 outlines two approaches that are not included in this guidance:

1. The “community-wide exception” is an approach that allows communities specifically approved by FEMA to issue permits rather than handle agricultural structures or large accessory structures as individual variances. As of May 2020, FEMA has not issued guidance for requesting FEMA approval.
2. An approach to allow repair and restoration to pre-damaged condition agricultural structures that are substantially damaged by flooding and agricultural structures designated “repetitive loss properties” by the NFIP.

After reading the Policy, communities interested in these approaches should contact the State Floodplain Management Office at floods@em.myflorida.com for referral to the FEMA Region IV office. Subsequent correspondence with the Regional Office should copy the SFMO.

ATTACHMENT A

Option A. Rely on existing regulations, combined with a written administrative policy that is consistent with the FEMA Policy, to issue permits for wet floodproofed accessory structures that are not larger than the size limits specified in the Policy.

Most local floodplain management regulations do not have explicit requirements for accessory structures in SFHAs. Some Florida communities added specific provisions which now must be checked for consistency with the FEMA Policy, especially the specific size limits (see Option B).

Local regulations have a section titled “Other Development” (below, copied from the Model Ordinance). This section applies to everything not specified in the regulations or within the scope of the FBC, including accessory structures. Note that this section does not include size or use limits and does not explicitly require flood openings (flood openings are part of resisting hydrostatic loads, item #3).

SECTION 307 OTHER DEVELOPMENT

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

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 303.4 of this ordinance if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Local floodplain management regulations authorize the Floodplain Administrator to render interpretations and “establish policies and procedures in order to clarify the application of the provisions.” Communities that make interpretations, policies, and procedures that are consistent with FEMA policies and published guidance will maintain good standing in the NFIP. The following model administrative policy language is consistent with FEMA Policy #104-008-03.

Please Note! Please send a copy of the administrative policy to the SFMO. Put the community name in the subject line and send to floods@em.myflorida.com.

**{COMMUNITY NAME} ADMINISTRATIVE POLICY FOR APPROVAL OF ACCESSORY
STRUCTURES IN SPECIAL FLOOD HAZARD AREAS**

The purpose of this policy is to maintain consistency with FEMA Policy #104-008-03 (February 2020) to allow issuance of permits for wet floodproofed, small accessory structures in special flood hazard areas (SFHAs). The **{County/City/Town}** floodplain management regulations **{insert citation}** authorize the Floodplain Administrator to render interpretations and “establish policies and procedures in order to clarify the application of the provisions.”

For floodplain management purposes and for application of this policy:

Accessory structure means 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.

Requirements for wet floodproofing outlined in the FEMA Policy and guidance documents are equivalent to the requirements in **{insert citation}** titled “Other Development.”

Permits may be issued for wet floodproofed accessory structures that:

1. Meet the requirements for “Other Development.”
2. Are only for parking or storage.
3. In Zone A/AE, are one-story and not larger than 600 square feet.
4. Have flood openings in accordance with the flood opening requirements in Section R322 of the Florida Building Code, Residential.
5. In Zone V/VE, are not located below elevated buildings and are not larger than 100 square feet.

Applicants seeking approval of wet floodproofed accessory structures that are larger than the specified sizes may request individual variances in accordance with the variance provisions of the local floodplain management regulations.

Approved By: _____ {signature, title}

Date Adopted: _____

Option B. Modify floodplain management regulations to allow permits to be issued for wet floodproofed accessory structures that are not larger than the size limits specified in the Policy.

Instead of establishing an administrative policy (Option A), Florida communities that anticipate many requests for accessory structures in SFHAs may prefer to modify existing regulations to adopt explicit requirements to allow issuance of permits for wet floodproofed accessory structures. Florida communities that already have specific provisions should replace or modify those provisions to be consistent with this language Policy.

Please Note! Submit draft ordinances to the SFMO several weeks before first reading.

Please put the community name in the subject line and send to floods@em.myflorida.com.

ORDINANCE NO. XX-XX

AN ORDINANCE BY THE {community's governing body} AMENDING THE {name of community} LAND DEVELOPMENT CODE TO AMEND {insert appropriate chapter/section numbers} TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in {Chapter 125 – County Government or Chapter 166 – Municipalities}, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the {community's governing body} has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy.

NOW, THEREFORE, BE IT ORDAINED by the {community's governing body} of {name of community} that the following floodplain management regulations are hereby adopted.

SECTION 1. This ordinance specifically amends the {insert chapter/section}:

{Add a new definition / Modify a definition} as follows:

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

In Section XXX Building and Structures, add a new Section XXX.X as follows:

Section XXX.X. Accessory structures. Accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

- (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft.
- (2) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (3) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.
- (4) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (5) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
- (6) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

SECTION 2. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in **{insert name of community or all unincorporated areas of the county}**. This ordinance shall apply to all applications for accessory structures in special flood hazard areas submitted on or after the effective date of this ordinance.

SECTION 3. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the **{community's governing body}** that the provisions of this ordinance shall become and be made a part of the **{name of community's}** Code of Ordinances, and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect on **{insert date}**.

Use community's standard signature block

ATTACHMENT C

Option C. Modify floodplain management regulations to specifically provide criteria for variances to allow wet floodproofed accessory structures that are larger than the size limits specified in the Policy.

Florida communities that anticipate requests for accessory structures in SFHA that are larger than the size limits specified in the policy should adopt explicit variance provisions. See Note on page 1 to submit drafts to the State Floodplain Management Office several weeks before first reading.

Please Note! Submit draft ordinances to the SFMO several weeks before first reading.

Please put the community name in the subject line and send to floods@em.myflorida.com.

ORDINANCE NO. XX-XX

AN ORDINANCE BY THE {community's governing body} AMENDING THE {name of community} LAND DEVELOPMENT CODE TO AMEND {insert appropriate chapter/section numbers} TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in **{Chapter 125 – County Government or Chapter 166 – Municipalities}**, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the **{community's governing body}** has determined it appropriate to adopt variance provisions that are consistent with the FEMA Policy to consider variances for wet floodproofed accessory structures that are larger than the sizes specified in the FEMA Policy.

NOW, THEREFORE, BE IT ORDAINED by the **{community's governing body}** of **{name of community}** that the following floodplain management regulations are hereby adopted.

SECTION 1. This ordinance specifically amends the {insert chapter/section}:

{Add a new definition / Modify a definition} as follows:

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

In Section XXX Variances and Appeals, under the subsection titled “Considerations for issuance of variances,” add a new Section XXX.X as follows and renumber subsequent section:

Section XXX.X. Accessory structures. A variance is authorized to be issued for the construction or substantial improvement of accessory structures provided the requirements of this section are satisfied and the accessory structures are used only for parking or storage and:

- (1) Represents minimal investment and has low damage potential.
- (2) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (3) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings, are larger than 100 square feet in size, and have walls designed to break away in accordance with Section R322.3 of the Florida Building Code, Residential.
- (4) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (5) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
- (6) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

SECTION 2. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in **{insert name of community or all unincorporated areas of the county}**. This ordinance shall apply to all applications for accessory structures in special flood hazard areas submitted on or after the effective date of this ordinance.

SECTION 3. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the **{community’s governing body}** that the provisions of this ordinance shall become and be made a part of the **{name of community’s}** Code of Ordinances, and that the sections of this ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect on **{insert date}**.

Use community’s standard signature block

Option D. Modify floodplain management regulations to specifically provide criteria for variances to allow wet floodproofed agricultural structures (as defined by the FEMA Policy).

To satisfy the NFIP, buildings, structures and facilities exempt from the Florida Building Code that are located in SFHAs are regulated by local floodplain management regulations. By Florida statute, nonresidential farm buildings on farms (sec. 60.50, F.S.), are exempt from the Florida Building Code.

Local floodplain regulations require permits for those buildings and include a section specifically for design and constructions, requiring them to be in accordance with ASCE 24 (below, from the Model Ordinance). The wet floodproofing provisions of ASCE 24 are equivalent to those described in the FEMA Policy. However, communities must have a mechanism to ensure compliance with the FEMA Policy, which establishes criteria for consideration of individual variances for wet floodproofed agricultural structures.

The contents of some agricultural structures may be more valuable to protect than the structures themselves. In those cases, owners should consider the benefits of complying with the elevation or dry floodproofing requirements of ASCE 24, rather than seeking variances for wet floodproofing.

301.1 Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Section 104.3 of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 307 of this ordinance.

The best way to have a mechanism to ensure compliance with the FEMA Policy is to adopt specific provisions for considering variances for agricultural structures. The specific provisions must be considered in combination with the standard variance requirements.

Please Note! Submit draft ordinances to the SFMO several weeks before first reading.

Please put the community name in the subject line and send to floods@em.myflorida.com.

ORDINANCE NO. XX-XX

AN ORDINANCE BY THE {community's governing body} AMENDING THE {name of community} LAND DEVELOPMENT CODE TO MODIFY {insert appropriate chapter/section numbers} TO PROVIDE VARIANCE CRITERIA FOR AGRICULTURAL STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in {Chapter 125 – County Government or Chapter 166 – Municipalities}, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the {community' governing body} has determined it appropriate to adopt variance provisions that are consistent with the FEMA Policy to allow consideration of variances for wet floodproofed agricultural structures, as defined in the FEMA Policy.

NOW, THEREFORE, BE IT ORDAINED by the {community's governing body} of {name of community} that the following floodplain management regulations are hereby adopted.

SECTION 1. This ordinance specifically amends the {insert chapter/section}:

Add a new definition as follows:

Agricultural structure. For floodplain management purposes, a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

In Section XXX Variances and Appeals, under the subsection titled "Considerations for issuance of variances," add a new Section XXX.X as follows and renumber subsequent section:

Section XXX.X. - Agricultural structures. A variance is authorized to be issued for the construction or substantial improvement of agricultural structures provided the requirements of this section are satisfied and:

- (1) A determination has been made that the proposed agricultural structure:
 - (a) Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.

- (b) Has low damage potential (amount of physical damage, contents damage, and loss of function).
 - (c) Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.
 - (d) Is not located in a coastal high hazard area (Zone V/VE), except for aquaculture structures dependent on close proximity to water.
 - (e) Complies with the wet floodproofing construction requirements of paragraph (2), below.
- (2) Wet floodproofing construction requirements.
- (a) Anchored to resist flotation, collapse, and lateral movement.
 - (b) When enclosed by walls, walls have flood openings that comply with the flood opening requirements of ASCE 24, Chapter 2.
 - (c) Flood damage-resistant materials are used below the base flood elevation plus one (1) foot.
 - (d) Mechanical, electrical, and utility equipment, including plumbing fixtures, are elevated above the base flood elevation plus one (1) foot.

SECTION 2. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in **{insert name of community or all unincorporated areas of the county}**. This ordinance shall apply to all applications for accessory structures in special flood hazard areas submitted on or after the effective date of this ordinance.

SECTION 3. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the **{community's governing body}** that the provisions of this ordinance shall become and be made a part of the **{name of community's}** Code of Ordinances, and that the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect on **{insert date}**.

Use community's standard signature block

City of BRADENTON BEACH

State of Florida

107 Gulf Drive North – Bradenton Beach, Florida 34217 – Phone (941) 778-1005 / FAX: 778-7585

CITY COMMISSION MEETING AGENDA REQUEST FORM

Date request submitted: 5/21/21

For meeting date: 6/3/21

(All agenda requests and associated backup must be submitted at the latest 8 Days in advance by 2:00 P.M. before the next scheduled Commission meeting.) Please have 9 copies stapled and hole-punched and attached to your agenda request.

Does your request require action (a motion) by Commission? – Yes.

APPROVE MEMORANDUM OF UNDERSTANDING WITH STATE COLLEGE OF FLORIDA.

If “No” then your request should be a presentation or discussion.

If “Yes”, please describe exactly how you want the motion to read.

Is there back-up? AGREEMENT

Note: Back-up is required for all agenda requests. If appropriate backup is not included, the issue may be pulled from the agenda.



Signature

**MEMORANDUM OF UNDERSTANDING FOR
ASSISTANCE FOR BUSINESS CONTINUITY DURING DISASTER RECOVERY**

THIS AGREEMENT (the "Agreement") is entered into this ____ day of _____ 2021 by and between the **DISTRICT BOARD OF TRUSTEES OF THE STATE COLLEGE OF FLORIDA MANATEE-SARASOTA (SCF)** and the **CITY OF BRADENTON BEACH** (the City).

WHEREAS, located in a coastal area, the City is particularly vulnerable to hurricanes and other natural disasters; and

WHEREAS, the City recognizes the need to be prepared to continue serving the residents of the City during such disasters and in other times of emergency; and

WHEREAS, if a disaster or emergency limits or prohibits municipal functions from continuing in present locations in City Hall and in the City in general, the City government may require a place to conduct its municipal functions; and

WHEREAS, SCF is located inland of the City; and

WHEREAS, SCF, in the spirit of mutual cooperation in the face of disaster, has offered to provide the City a temporary location of operations, if available, for the continuity of municipal business; and

WHEREAS, the primary function of SCF is the education of students; and

WHEREAS, SCF's first priority is to continue College operations including the provision of educational and student services; and

WHEREAS, the City finds such location as may be made available by SCF sufficient to provide a place to continue municipal business during emergencies that require municipal business to occur outside the City;

NOW, THEREFORE, in consideration of the mutual covenants herein stated and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the following:

1. SCF, in consideration of the terms and conditions set out herein, grants to the City non-exclusive access and use of available space as determined by SCF in its sole reasonable discretion for emergency management, disaster response, relief, and recovery efforts. Space made available to City may include, but is not limited to, classroom and office space as available at the SCF campuses located in Bradenton, whose address is 5840 26th Street West, Bradenton, Florida 34207; Lakewood Ranch, whose address is 7131 Professional Pkwy, Sarasota, FL 34240 and Venice, whose address is 8000 S. Tamiami Trail, Venice, FL 34293, and shall at all times be subject to SCF's own needs and usage. SCF shall also make

reasonable efforts to make internet access available to City and space for public meetings or press conferences, subject to SCF's needs and availability. Provision for food, water, and shelter for City is not included in this Agreement. "Emergency" and "disaster," as such terms are used herein shall be determined as provided by definitions in Section 252.34, Florida Statutes. SCF space occupied by City pursuant to this Agreement shall hereinafter be referred to as the "College Property."

2. The City agrees to exercise reasonable care during the use of the College Property and access thereto, and further agrees to repair, replace, or reimburse SCF for any damage to the College Property caused by the City, its agents, employees, or contractors during its occupancy.
3. The City agrees to reimburse SCF a prorated share of telephone, electricity, water and sewer, and other utilities services, for use by the City, its agents, employees, or contractors, and further the City agrees to reimburse SCF for any specific increased costs incurred for utility services; prorated on the basis of square footage occupied; and provided, however, that proof of such increased costs is provided to the City. SCF shall provide the City notice in writing of its desire to collect pursuant to this provision within thirty (30) days after the City ends its use of the College Property.
4. The City shall inform SCF's Vice President, Finance & Administrative Services of the intended duration of the temporary use of the College Property as soon as practical. SCF shall approve the use of the College Property initially for two (2) weeks and after such time SCF shall approve continued use of the College Property for one (1) week at a time. In any case, SCF shall provide seven (7) days notice before terminating the City's use of the College Property.
5. The City agrees to provide its own security to protect the City's equipment while it is in transport to and from the College Property and while at the College Property during emergency management efforts.
6. The parties agree to provide emergency contact information to the respective responsible parties, and to update that information annually.
7. The City shall present SCF with any printed or electronic materials intended for public dissemination by the City, which refer to the College Property, prior to publication. The City shall consider any concerns SCF has with the publication as such concerns relate to the College Property.
8. Notwithstanding the foregoing, the City will be liable to SCF for damages and claims arising under this Agreement caused by the negligent or wrongful acts or omissions of any of its officials, employees, agents or contractors during the City's use of the College Property, subject to the limitations as set forth in Section 768.28, Florida Statutes, as may be amended from time to time. SCF agrees to be liable to

the City for damages and claims arising under this Agreement caused by the negligent or wrongful acts or omissions of SCF's officials, employees, agents or contractors during the City's use of the College Property subject to the limitations set forth in Section 768.28, Florida Statutes, as may be amended from time to time.

9. This Agreement shall remain in force and effect for a period of three (3) years from its execution by the City and SCF, provided, however, that the Agreement shall automatically renew thereafter for a one (1) year term unless terminated in writing by City or SCF. Both City and SCF shall have the right to terminate the Agreement in writing at any time upon 90 days prior written notice.

10. The City agrees to additionally insure SCF in its general liability insurance for the purpose of this Agreement and to provide a certificate of insurance to SCF annually.

11. This document contains the entire agreement between the parties hereto concerning the subject matter hereof, and there are no promises, agreements, conditions, undertakings, warranties or representations, oral or written, express or implied, between them except as set forth herein.

12. No change or modification to this Agreement shall be effective unless the same is in writing and signed by both parties hereto.

13. Obligations of SCF hereunder are subject to the availability of funds lawfully appropriated annually for its purposes by the Florida Legislature.

14. Each person signing on behalf of the parties to this Agreement represents and warrants that he/she has full authority to execute this Agreement on behalf of such party.

15. Each of the parties will allow public access to all records, documents, papers, letters or other material subject to the provision of Florida's Public Records law, Chapter 119, Florida Statutes, and made or received in conjunction with this Agreement. Refusal by a party to allow such public access will be grounds for immediate cancellation of this Agreement by the other party and for imposition of any remedy or penalty available under law.

16. Neither party shall be responsible for its default, delay or failure to perform any terms or conditions of the Agreement when failure to perform is due to causes beyond such party's reasonable control including, but not limited to, civil unrest, strike, lockout, flood, action or inaction of governmental authorities, epidemic, war, act of terrorism, embargo, fire, earthquake, hurricane, windstorm, act of God or default of common carrier. In the event of such default, delay or failure to perform, any date or times by which either party is otherwise scheduled to perform shall be

extended automatically for a period of time equal in duration to the time lost by reason of the excused delay, default or force majeure.

IN WITNESS WHEREOF, the City and SCF have caused this Agreement to be signed in their names by their respective authorized officers and their official seals to be affixed, and duly executed on the date first mentioned above.

**CITY OF BRADENTON BEACH, a
municipal corporation organized under
the laws of the State of Florida**

BY: _____

Date: _____

ATTEST:

Date: _____

**DISTRICT BOARD OF TRUSTEES OF
STATE COLLEGE OF FLORIDA,
MANATEE-SARASOTA**

BY: _____

Date: _____

ATTEST:

Date: _____

City of BRADENTON BEACH

State of Florida

107 Gulf Drive North – Bradenton Beach, Florida 34217 – Phone (941) 778-1005 / FAX: 778-7585

COMMISSION MEETING AGENDA REQUEST FORM

Date request submitted: May 26, 2021

For meeting date: June 3, 2021

(All agenda requests and associated backup must be submitted at the latest 8 Days in advance by 2:00 P.M. before the next scheduled Commission meeting.) Please have 9 copies stapled and hole-punched and attached to your agenda request.

Agenda Verbiage: Merchant Parking.

Does your request require action (a motion) by Commission?

If “Yes”, please describe exactly how you want the motion to read.

I MOVE TO (Approve, Approve with Changes, Deny, Adopt)

Is there back-up? No

Does this item require legal review?

Note: Back-up is required for all agenda requests. If appropriate backup is not included, the issue may be pulled from the agenda.

Vice Mayor Cole

Signature

City of BRADENTON BEACH

State of Florida

107 Gulf Drive North – Bradenton Beach, Florida 34217 – Phone (941) 778-1005 / FAX: 778-7585

COMMISSION MEETING AGENDA REQUEST FORM

Date request submitted: 05/26/21

For meeting date: 06/03/21

(All agenda requests and associated backup must be submitted at the latest 8 Days in advance by 2:00 P.M. before the next scheduled Commission meeting.) Please have 9 copies stapled and hole-punched and attached to your agenda request.

Agenda Verbiage: ^{2nd} First Reading and approval of Ordinance 21-532

Does your request require action (a motion) by Commission? – Yes

If “Yes”, please describe exactly how you want the motion to read.

I MOVE TO (Approve, Approve with Changes, Deny) the second reading and approval of Ordinance 21-532.

Is there back-up? Yes

Does this item require legal review? Yes, Completed by Self.

Note: Back-up is required for all agenda requests. If appropriate backup is not included, the issue may be pulled from the agenda.

Signature: 

ORDINANCE NO. 21-532

AN ORDINANCE OF THE CITY OF BRADENTON BEACH, FLORIDA, ADOPTING AN AMENDMENT TO THE CODE OF ORDINANCES CHAPTER 54 (TAXATION), ARTICLE II (OCCUPATIONAL LICENSE TAX), SECTION 54-39, (TAX SCHEDULE), LEVYING AND IMPOSING A FIVE PERCENT (5.0%) INCREASE TO THE LOCAL BUSINESS TAX RECEIPT FEES CHARGED FOR THE PRIVILEGE OF ENGAGING IN OR MANAGING ANY BUSINESS, PROFESSION, OR OCCUPATION WITHIN THE MUNICIPAL LIMITS OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, AS FOLLOWS:

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, Chapter 205, Florida Statutes, authorizes the City of Bradenton Beach, Florida, to levy a business tax for the privilege of engaging in or managing any business, profession, or occupation within the corporate limits of the City of Bradenton Beach, Florida; and,

WHEREAS, the City of Bradenton Beach Code of Ordinances, Chapter 54, Taxation, Article II, Occupational License Tax, sets forth the City’s business tax requirements applicable to persons and entities maintaining a business within the municipal limits of the City; and

WHEREAS, Chapter 205, Florida Statutes, establishes a procedure for the City of Bradenton Beach to protect consumers for particular services by vendors, contractors, and the like; and

WHEREAS, local business taxes, are fees charged and the method by which a local governing authority grants the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction and are not a regulatory vehicle; and

WHEREAS, Section 205.0535(4), Florida Statutes, empowers the City of Bradenton Beach to increase the rates of business taxes by up to five percent (5.0%) every other year after compliance with Section 205.0535, Florida Statutes; and

WHEREAS, the City of Bradenton Beach, pursuant to Ordinance No. 95-292, adopted on the 7th day of September, 1995, fully complied with Section 205.0535, Florida Statutes, and reclassified businesses, professions and occupations and established new rate structures for Local Business Tax Receipts; and

WHEREAS, the City Commission has received a recommendation by City Staff to adjust the Local Business Tax Receipt fees for engaging or maintaining businesses, professions or occupations within the municipal limits of the City; and

WHEREAS, it is the intent of the Members of the City Commission of the City of Bradenton Beach, Florida, to levy said rate increase; and

WHEREAS, the City Commission has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the public health, safety and welfare,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, AS FOLLOWS:

Section 1. **Findings of Fact.** The WHEREAS clauses set forth above are adopted herein as findings of fact.

Section 2. **Amendment.** Chapter 54, Article II, Section 54-39, Tax schedule, is hereby amended to increase the fees charged for local business tax receipts in conformance with Chapter 205, Florida Statutes, and is read in its entirety, as follows:

ARTICLE II. LOCAL BUSINESS TAX

***State law references:** Local Business Tax Act, F.S. ch. 205.

Sec. 54-39. Tax schedule.

Local Business taxes are as follows:

TABLE INSET:

<u>Category</u>	<u>#</u>	<u>Description</u>	<u>Old Fee</u>	<u>New Fee</u>
Agent/Advertising				
	110	Auto/Trailer/Truck	57.89	60.78
	120	Claims/Collections	57.89	60.78
Agency	125	Insurance Companies	63.82	67.01
	130	Book/Magazine	28.94	30.39
	135	Newspapers		
		A) Daily	86.86	91.20
		B) Weekly	57.89	60.78
Amusement Center	200	<i>(This Does Not Include Machine Charges)</i>	127.63	134.01
	300	Appraisers	57.89	60.78
	400	Auctioneers (Per Day)	28.94	30.39
Automotive				
	500	Garage/Automotive/Large Engine Repair/Automotive/Mechanical	405.17	425.43
	510	Mechanical/Small Engine Repair	57.89	60.78
	520	Fueling	86.82	91.16
Boats/Marinas/Boat Yards				
Boats/ Marinas	600	Marina - To Include Slip Rental Only	127.63	134.01
Boats/ Marinas	620	Fueling Stations	95.76	100.55
Boats/ Marinas	640	Boat Sales	191.45	201.02
Charters	650	Charters - Up to 20 Passengers	63.82	67.01
	660	Charters Over 20 Passengers	115.76	121.55
Brokers				
	700	Mortgage Brokers		
	720	Real Estate Brokers		
	730	Timber Share Brokers, Stocks, Bonds		
	740	Securities Brokers		
		For Each Registered Broker	57.89	60.78
		For Each Sales Person	28.94	30.39
Coin Operated Devices Vending Machines	800	Non-Electronic (Games, Pool tables, Cigarettes)	41.48	43.55
	850	Electronic (Including Electric Games, Pool Tables, Etc.)	57.89	60.78
Contractors	900	State Licensed Contractors (ex: General, Electric, Plumbing)	95.76	100.55
Contractors	950	Non-State Licensed Contractors (ex. Other Construction related trades)	63.82	67.01
	1000	Detective Agencies	57.89	60.78
Eating & Drinking Establishments	1200	1-10 Seating Capacity	31.91	33.51
Eating & Drinking Establishments	1200	11-25 Seating Capacity	63.82	67.01
Eating & Drinking Establishments	1200	26-50 Seating Capacity	95.76	100.55
Eating & Drinking Establishments	1200	51-100 Seating Capacity	127.63	134.01
Eating & Drinking Establishments	1200	Over 100 Seating Capacity	127.63	134.01
Eating & Drinking Establishments	1200	Per Seat Charge Over 100	1.28	1.34
Eating & Drinking Establishments	1200	Serving Beer & Wine	63.82	67.01

Eating & Drinking Establishments	1200	Serving Liquor	127.63	134.01
Eating & Drinking Establishments	1200	Entertainment	127.63	134.01
Package Store	1275	Package Stores - Resale Only; No in Store Consumption	127.63	134.01
Itinerant	1400	*No Perm. Address* (Selling out of vehicle-Peddlers, Street Vendors)	255.27	268.03
Laundromat	1500	Machines	19.15	20.11
Laundromat	1500	EACH ADDITIONAL MACHINE	6.38	6.70
Merchant	1600	\$0-\$5000 Inventory	63.82	67.01
Merchant	1600	\$5001-\$15,000 Inventory	127.63	134.01
Merchant	1600	\$15,000 & Over Inventory	191.45	201.02
	1700	Merchant Wholesale	57.89	60.78
Mobile Home Parks	1800	1st Lot	127.63	134.01
Mobile Home Parks	1800	Additional Lot Charge	12.77	13.41
Professional	2000	*Requires State License* Including but not limiting to: Accountants, Brokers, Realtors, Beauty Salons, Nail Techs, Stylists, Massage Therapist, Appraisers, Architects.	63.82	67.01
	2200	Savings & Loan Banking	115.76	121.55
Rentals	2500	First Rental	31.91	33.51
Rentals	2500	Each Additional Rental	12.77	13.41
Rental / Property Management Company	2600	*Must provide list of properties managing*	127.63	134.01
	2700	Schools/Instruction	57.89	60.78
	2900	Sign Business (Construction, Installation, Maintenance, Rental, Posting)	28.94	30.39
Service	3000	*No Sale of Product* Includes, but is not limited to: Beauty Salons, Barber Shops, Lawn Care, All Cleaning services, Tree Service, Daycare, Nursery and all other similar services.	63.82	67.01
Transfer	N/A	Transfer of Existing Business Tax License upon Sale, 10% of annual Tax fee, no less than \$3, not to exceed \$25	-	-

Section 3. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of the Ordinance.

Section 4. Repeal. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

[INTENTIONALLY LEFT BLANK]

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED with a quorum present and voting this _____ day of _____, 2021.

CITY OF BRADENTON BEACH, FLORIDA, BY AND THROUGH THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH.

BY: _____
JOHN R. CHAPPIE, MAYOR

ATTEST: _____
TERRI SANCLEMENTE, CITY CLERK

City of BRADENTON BEACH

State of Florida

107 Gulf Drive North – Bradenton Beach, Florida 34217 – Phone (941) 778-1005 / FAX: 778-7585

COMMISSION MEETING AGENDA REQUEST FORM

Date request submitted: 05/26/21

For meeting date: 06/03/21

(All agenda requests and associated backup must be submitted at the latest 8 Days in advance by 2:00 P.M. before the next scheduled Commission meeting.) Please have 9 copies stapled and hole-punched and attached to your agenda request.

Agenda Verbiage: ^{Second} ~~First~~ Reading and approval of Ordinance 21-533

Does your request require action (a motion) by Commission? – Yes

If “Yes”, please describe exactly how you want the motion to read.

I MOVE TO (Approve, Approve with Changes, Deny) the second reading and approval of Ordinance 21-533.

Is there back-up? Yes

Does this item require legal review? Yes, Completed by Self.

Note: Back-up is required for all agenda requests. If appropriate backup is not included, the issue may be pulled from the agenda.

Signature: _____



ORDINANCE NO. 21-533

AN ORDINANCE OF THE CITY OF BRADENTON BEACH, FLORIDA, AMENDING ORDINANCE 20-516 FOR THE PURPOSE OF SUPPORTING THE POLICY MANDATES OF GOVERNOR DESANTIS TO PROMOTE BUSINESS OPERATION AND ECONOMIC RECOVERY WHILE MAINTAINING FOCUS ON CORE SAFETY PRINCIPLES DUE TO THE COVID-19 EMERGENCY; ESTABLISHING REQUIREMENTS AND A PLAN FOR EXPANDED RESTAURANT USE AND OPEN AIR DINING; PROVIDING FOR DEFINITIONS, REQUIREMENTS FOR APPROVAL AND INSPECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE TEMPORARY WAIVER OF CONFLICTING ORDINANCES; AND PROVIDING FOR A SUNSETTING AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, AS FOLLOWS:

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, the Coronavirus Disease 2019 (“COVID-19”) is an infectious disease caused by a new virus that has not been previously identified in humans, which causes respiratory illness with symptoms such as a cough, fever and in more severe cases, pneumonia; and

WHEREAS, the World Health Organization (“WHO”) raised its assessment of the COVID-19 threat from high to very high and declared a public health emergency of international concern related to COVID-19 on January 30, 2020; and

WHEREAS, Florida Governor Ron DeSantis issued Executive Order 20-51, on March 1, 2020, declaring that appropriate measure to control the spread of COVID-19 in the State of Florida are necessary, and therefore directed that a Public Health Emergency be declared in the State of Florida; and

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation declaring a National Emergency concerning COVID-19; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention issued guidelines for “Community Mitigation Strategies” to limit the spread of COVID-19, including recommendations for social distancing and limiting gatherings of more than 10 people, which have been shown to be an effective method for containing COVID-19; and

WHEREAS, Manatee County declared a State of Local Emergency related to the Coronavirus Disease 2019 on March 16, 2020; and

WHEREAS, the City of Bradenton Beach declared a State of Local Emergency related to the Coronavirus Disease 2019 on or about March 17, 2020; and

WHEREAS, Governor DeSantis issued Executive Order Number 20-112 finding that the path to re-opening Florida must promote business operations and economic recovery while maintaining a focus on core safety principles; and

WHEREAS, there is a direct correlation between a strong and healthy community and a successful business sector; and

WHEREAS, under the executive authority of Governor DeSantis, restaurants and food establishments licensed under Chapters 500 or 509, Florida Statutes, resumed normal operations and on-premise consumption of food and beverages; and

WHEREAS, following the issuance of Executive Order 20-112, the City Commission adopted Ordinance 20-516; and

WHEREAS, the City Commission, based upon evidence known to it as of the adoption of Ordinance 20-516 and this amendment thereto, desires to continue the promotion of safer operational standards for local food establishments, while also helping the local businesses as Florida begins its economic recovery from COVID-19; and

WHEREAS, on April 29, 2021, Surgeon General Dr. Scott Rivkees issued a Public Health Advisory (1) stating that continuing COVID-19 restrictions on individuals, including long-term use of face coverings and withdrawal from social and recreational gatherings, pose a risk of adverse and unintended consequences, (2) further expanding vaccine eligibility, and (3) advising government offices to resume in-person operations and services; and

WHEREAS, on May 3, 2021, Governor DeSantis signed into law SB 2006 - Emergency Management - which provides, effective July 1, 2021, that any emergency order issued by a political subdivision must be narrowly tailored to serve a compelling public health or safety purpose, must be limited in duration, applicability, and scope in order to reduce any infringement on individual rights or liberties to the greatest extent possible, and may be invalidated by the Governor, at any time, if the Governor determines that such order unnecessarily restricts individual rights or liberties; and

WHEREAS, pursuant to Executive Orders 21-101 and 21-102, and SB 2006, Governor DeSantis has invalidated all remaining local emergency orders issued prior to July 1, 2021 by a political subdivision due to the COVID-19 emergency, which restricts the rights or liberties of individuals or their businesses and found that it is necessary for the State of Florida to enhance its rapid and orderly restoration and recovery from the COVID-19 emergency by preempting and suspending all remaining local emergency restrictions on individuals and businesses and to return day-to-day life back to normal everywhere in the State; and

WHEREAS, the purpose of this ordinance is to enhance the rapid and orderly restoration and recovery from the COVID-19 emergency for the City of Bradenton Beach by providing temporary relief to the local businesses within its municipal boundaries; and

WHEREAS, this ordinance does not restrict the rights or liberties of individuals or their businesses; and

WHEREAS, the City Commission has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, AS FOLLOWS:

Section 1. Findings of Fact. The WHEREAS clauses set forth above are adopted herein as findings of fact.

Section 2. Purpose and Intent. In an effort to support the recent legislation and policy mandates of the Florida Legislature and Governor DeSantis to promote rapid and orderly restoration and recovery from COVID-19 emergency, while maintaining focus on core safety principles, the City of Bradenton Beach is providing a temporary waiver of strict adherence to outdoor dining and retail sales. This will be accomplished by temporarily granting the utilization of additional areas of private property and City rights-of-way for all local eating establishments for the duration of Centers for Disease Control and Prevention (“CDC”) measures and recommendations that adversely impacts occupancy loads, limits seating capacities, or mandates social distancing requirements.

Section 3. Application and Administrative Approval Requirements.

(1) **Registration Requirements.**

- a. **Application Required.** Any business seeking to avail itself of this ordinance shall make application or amend any application on file with the City by providing relevant Registration Information.
- b. **Registration Information.** The following information shall be provided:

- i. Name of the registrant;
 - ii. If the registrant is a corporation or limited liability company, proof of authority to do business in the State of Florida;
 - iii. Name, address, telephone number, and electronic mail address of a contact person for the registrant;
 - iv. The number of the registrant's current certificate of authorization issued by the Department of Business and Professional Regulation;
 - v. Proof of insurance or self-insuring status adequate to defend and cover claims;
 - vi. Proof of payment of a business tax receipt, if applicable;
 - vii. Social distancing seating plan in accordance with the current Executive Order of Governor DeSantis;
 - viii. General site plan for expanded outdoor dining or retail areas in any public right-of-way, or on private property not already permitted by the City of Bradenton Beach including the number of outdoor dining seats proposed to be added by the Applicant and the total number of seats (indoor and outdoor seats) for the business; and
 - ix. Any other pertinent information deemed necessary to ensure protection of public health, safety and welfare as required by City Staff.
- c. Application Fee. No fee shall be charged for services rendered by City Staff to authorize converted or expanded outdoor dining and retail under this ordinance.

(2) **Administrative Approval**.

- a. The Mayor, after consultation with any relevant City Staff, City Department, or West Manatee Fire District, shall be vested with the authority to approve or authorize converted and/or expanded outdoor dining or retail.
- b. The decision of the Mayor is the final decision of the City and may be appealed to the City Commission within thirty (30) days of receipt of a written decision.

(3) **Enforcement and Revocation**.

- a. This Ordinance may be enforced by any law enforcement officer, fire marshal, or any code enforcement officer. A finding of violation of this Ordinance or any of the requirements or conditions set forth in an applicant's final approval may be enforced by immediate revocation of the City's permission to utilize City right-of-way or expanded private property for outdoor seating and/or retail displays.

Section 4. Regulations. Temporary Outdoor Dining and Retail Activity on Private Property.

- (1) Private Property. Retail and Restaurants and food establishments licensed under Chapters 500 or 509, Florida Statutes, may expand dining and retail areas to certain areas of private property not typically permitted for dining and retail space, such as setbacks, walkways, and parking areas. The expanded area may not be used for anything other than merchandise or seating. All other uses, such as outdoor entertainment, in these areas are prohibited. Outdoor entertainment may only be located in those areas previously used and permitted prior to the adoption of Ordinance 20-516. Property owners may seek a waiver pursuant to Section 26.108 of the City of Bradenton Beach Land Development Code.
- (2) Private Parking Lots. Retail and Restaurants and food establishments licensed under Chapters 500 or 509, Florida Statutes, may convert up to 50% of on-site private parking spaces to outdoor dining and retail. The converted use must be in conformance with all Florida Fire Codes. No parking for disabled persons may be repurposed for restaurant or retail use. The expanded parking area may not be used for anything other than merchandise or seating. All other uses, such as outdoor entertainment, in these areas are prohibited unless a waiver is applied for and approved by the City Commission pursuant to Section 26.108 of the City of Bradenton Beach Land Development Code.
- (3) Erection of Tents and Shade Structures on Private Property. Tents may be erected to provide shade for the dining area. All Florida Fire Codes, as required by the West Manatee Fire Marshall, must be met. All tents or shade structures shall be removed within twelve hours of a declaration of a state of emergency, or immediately following the request of City staff due to dangerous weather conditions.
- (4) Setbacks on Private Property. Temporary placement of equipment such as wash stations, hand sanitizing stations, stations for staff set up and service are not required to meet required yard setbacks. No seating may be placed in setback areas bordering a residential property.
- (5) The operational hours of the expanded area shall be restricted to the adjacent business operating hours and shall adhere to all noise ordinance requirements. Upon issuance of three (3) noise ordinance violations, the Applicant's rights authorized by this Ordinance shall be immediately revoked. Use of any expanded area for dining or merchandise shall cease, and the area shall be restored to its use prior to the adoption of Ordinance 20-516 within three (3) business days from issuance of the third noise ordinance violation. Should an Applicant timely appeal a noise ordinance violation, the use may continue until the appeal has concluded. Failure to comply with this section shall be enforced as a code violation resulting in issuance of a fine of \$150 per day for each day the violation continues.
- (6) Open-Container Law:

Restaurants and food establishments licensed under Chapters 500 and 509, Florida Statutes, will be permitted to sell and allow on-premise consumption of

alcoholic beverages within expanded dining areas on private property and on immediately adjacent sidewalks where the restaurants currently have a license that limits sales of alcoholic beverages to fifty percent or less is also a food establishment licensed under Chapter 500 or 509, Florida Statutes. The City of Bradenton Beach Open Alcohol Container Law is waived for sidewalk outdoor dining patrons. The Open Alcohol Container Law is not waived for any other publicly owned property and will be strictly enforced.

Section 5. Regulations. Temporary Outdoor Dining and Retail Activity in Public Rights-of-Way (Sidewalks)

(1) Use of Public Sidewalk. Retail and Restaurants and food establishments licensed under Chapters 500 or 509, Florida Statutes, may expand dining and retail areas to sidewalks not typically permitted for business activity; however, the following conditions shall be maintained:

a) General Requirements:

- i. Safe and adequate pedestrian flow;
- ii. Access to public utilities, building entrances, crosswalks, bus stops, public trash receptacles, public benches, fire hydrants, fire hose connections for sprinkler systems, and ADA sidewalk entrances; and
- iii. Compatibility with the surrounding area.

b) Location Requirements:

- i. The width of the outdoor seating or retail space shall only be permitted on a sidewalk and may not including any public parking spaces.
- ii. Outdoor seating or retail space may not extend beyond the width of the private property applying for expanded outdoor seating. Where an adjacent property owner to the applicant consents in writing to the applicant's use of the sidewalk abutting their property, the applicant may include this area.
- iii. Applicants shall demonstrate that their private property directly abuts the public right-of way they intend to use.

c) Operational Hours:

- i. The operational hours of the space shall be restricted to the adjacent business operating hours and shall adhere to all noise ordinance requirements.

d) Open-Container Law:

i. Restaurants and food establishments licensed under Chapters 500 and 509, Florida Statutes, will be permitted to sell and allow on-premise consumption of alcoholic beverages within expanded dining areas on private property and on immediately adjacent sidewalks where the restaurants currently have a license that limits sales of alcoholic beverages to fifty percent or less is also a food establishment licensed under Chapter 500 or 509, Florida Statutes. The City of Bradenton Beach Open Alcohol Container Law is waived for sidewalk outdoor dining patrons. The Open Alcohol Container Law is not waived for any other publicly owned property and will be strictly enforced.

e) Uses:

i. The following uses are expressly permitted on the public sidewalks:

1. Landscaping and planters so long as they are not permanently affixed to any public rights-of-way;
2. Signage without lighting;
3. Umbrellas;
4. Chairs, tables and other dining-related fixtures;
5. Any retail displays;
6. Hand sanitizing stations;
7. Refuse containers;
8. Temporary lighting; and
9. Other uses permitted by City Staff.

ii. The following uses and activities are prohibited:

1. Heating, cooking or open flames;
2. Bands or live entertainment;
3. Food preparation;
4. Plastic food displays;
5. Food storage;
6. Smoking;
7. Refrigeration apparatus; and
8. Any other activity or use deemed to be a threat to the public health, safety and welfare as determined by a City of Bradenton Beach Code Enforcement or Law Enforcement Officer.

f) Bridge Street:

i. ~~The closure of any All public or private parking spaces or driveways or loading areas on the south side of Bridge Street from the westernmost side of the structure located at 119 Bridge Street shall be closed to all vehicular and golf cart parking and shall may be temporarily converted to outdoor dining with the applicant's a pedestrian walkway. City staff is hereby directed to place appropriate signage indicating pedestrian means of accessing~~

~~Bridge Street and install~~ installation of a visual barrier to said area sufficient to provide safe dining conditions. ~~prevent public parking.~~
~~No tables may be placed by any businesses in said area.~~

- ii. Additional public or public/private parking spaces may be closed upon a request to the City Commission and may be included with a vote of the City Commission without further amendment to this Ordinance. In order to expedite review, a closure may be requested by application to the City and approved by the Mayor.

Section 5. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of the Ordinance.

Section 6. Repeal. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

Section 7. Scrivener's Error. Staff shall be vested with the authority to correct any scrivener's errors and to renumber this Ordinance.

Section 8. Effective Date and Sunset Provision. This Ordinance shall become effective immediately upon adoption and all provision herein shall apply for the duration of this Ordinance. This Ordinance shall expire and be deemed to have been repealed once all COVID-related limitations to the operations of restaurants and retail locations impacting capacity of occupancy loads or social distancing requirements are no longer a recommendation by the Center for Disease Control and Prevention ("CDC") or promulgated as a law pursuant to the Code of Federal Regulations by the CDC. Alternatively, the City Commission may sunset the ordinance at a noticed public hearing.

PASSED AND DULY ADOPTED with a quorum present and voting this _____ day of _____, 2021.

CITY OF BRADENTON BEACH, FLORIDA, BY AND THROUGH THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH.

BY: _____
JOHN CHAPPIE, MAYOR

ATTEST: _____
TERRI SANCLEMENTE, CITY CLERK

City of BRADENTON BEACH

State of Florida

107 Gulf Drive North – Bradenton Beach, Florida 34217 – Phone (941) 778-1005 / FAX: 778-7585

COMMISSION MEETING AGENDA REQUEST FORM

Date request submitted: 05/26/21

For meeting date: 06/03/21

(All agenda requests and associated backup must be submitted at the latest 8 Days in advance by 2:00 P.M. before the next scheduled Commission meeting.) Please have 9 copies stapled and hole-punched and attached to your agenda request.

Agenda Verbiage: Ordinance 21-534

Does your request require action (a motion) by Commission? – Yes

If “Yes”, please describe exactly how you want the motion to read.

I MOVE TO (Approve, Approve with Changes, Deny) the second reading of Ordinance 21-534.

Is there back-up? Yes

Does this item require legal review? Yes, Completed by Self.

Note: Back-up is required for all agenda requests. If appropriate backup is not included, the issue may be pulled from the agenda.

Signature: _____



CITY OF BRADENTON BEACH ORDINANCE
NO. 21-534

AN ORDINANCE OF THE CITY OF BRADENTON BEACH FLORIDA RELATING TO CERTAIN PROPOSED AMENDMENTS TO THE CITY OF BRADENTON BEACH ORDINANCES 96-297, 00-331, 10-418, 15-456, 16-468, 16-471, 17-493, 18-502, 19-507, 20-518, AND ANY SUBSEQUENT AMENDMENTS TO THE CITY CHARTER, AND TO ESTABLISH NON-BINDING REFERENDA REGARDING DISPOSITION OF CITY PROPERTY PURSUANT TO RESOLUTION 21-944; PROVIDING FOR THE BALLOT TITLES, BALLOT QUESTIONS AND TEXT FOR THE PROPOSED AMENDMENT; PROVIDING PROPOSED BALLOT LANGUAGE FOR CHARTER AMENDMENT, THAT IF ADOPTED AT REFERENDUM, WOULD REVISE THE NUMBER OF YEARS AN ELECTED OFFICIAL COULD HOLD THE SAME ELECTED OFFICE; PROVIDING EFFECTIVE DATES FOR THE AMENDMENTS IF APPROVED BY REFERENDUM VOTE; PROVIDING A REFERENDUM ELECTION FOR APPROVAL OF THE PROPOSED AMENDMENT AND NON BINDING REFERENDA; PROVIDING DIRECTION FOR BALLOT LANGUAGE; PROVIDING AUTHORIZATION TO PLACE THE PROPOSED CHARTER AMENDMENT AND NON BINDING REFERENDA ONTO THE REFERENDUM BALLOT FOR NOVEMBER 2, 2021; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, AS FOLLOWS:

WHEREAS, pursuant to Section 166.031, Florida Statutes,

“[t]he governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality. The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose.” (Emphasis added.)

WHEREAS, the elected officials of the City of Bradenton Beach, in furtherance of the Charter, have received recommendations from constituents to consider removing term limits. Likewise, former Charter Review Committees have made recommendations to amend the City Charter to provide for longer term limits; and

WHEREAS, the Florida Legislature has preempted the municipalities from regulating transient public lodging in a meaningful way that will protect and encourage families to remain or become permanent residents in the City. Thus, Anna Maria Island has experienced a trend of families selling their island homes due to the transformation from a small beach neighborhood to a resort town with heavy traffic, parties, noise pollution, and general adverse tourist impacts; and

WHEREAS, the City Commission has determined that the number of eligible residents for public office has decreased and that action needs to be taken to support residents who desire to serve in a public office for a period of time dictated by the electors at the ballot box, as opposed to term limits; and

WHEREAS, in 2017 the City altered its public offices by eliminating the office of ward representatives *via* an initiative put forward by a citizen group known as the Concerned Neighbors of Bradenton Beach; and

WHEREAS, in 2018, the City again changed the elected offices via the recommendation of a specially appointed *ad hoc* Charter Review Committee, whereupon the electors voted to change the form of government offices to a ward system; and

WHEREAS, neither the 2017, nor the 2018 referenda addressed the issue of term limits for the at-large offices and the ward offices; and

WHEREAS, the City Commission has considered and reviewed the proposed Charter Amendments, received public comment through the required public hearings, and has determined that it is in the best interest of the residents of the City to amend the Charter through the adoption of this Ordinance and the submittal of this Charter Amendment to the citizens for voter approval pursuant to §166.031, Florida Statutes; and

WHEREAS, the City Commission has received public testimony from staff that the City needs to undertake substantial and costly repairs to City buildings and, wishes to consider the input from public citizenry as part of its decision-making process; and

WHEREAS, the City Commission desires to submit referenda to its residents concerning the potential sale and relocation of certain City properties in order to accomplish the needed repairs to its public buildings; and

WHEREAS, the City Commission has determined that the adoption of this Ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COMMISSION AS FOLLOWS:

Section 1. Findings of Fact. The WHEREAS clauses set forth above are adopted herein as findings of fact.

Section 2. The City Commission of the City of Bradenton Beach, Florida, hereby proposes by the adoption of this Ordinance, the following Charter Amendment to the City of Bradenton Beach Ordinances 96-297, 00-331, 10-418, 15-456, 16-468, 16-471, 17-493, 18-502, 19-507, 20-518, (the City Charter and amendments thereto), for the continued governance of the City of Bradenton Beach, Florida if, and, as approved by the electorate of the City of Bradenton Beach at the November 2, 2021 election.

Section 3. The proposed non-binding referenda, as provided for in Resolution 21-944, and the amendment to the City of Bradenton Beach Charter are to be presented to the electorate at the November 2, 2021 election in abbreviated form, which includes a ballot title, ballot question and ballot summary in substantially the following form:

SEE EXHIBIT A – ATTACHED HERETO AND INCORPORATED HEREIN

Section 4. Attached hereto and incorporated herein is **Exhibit “B”**. Exhibit “B” contains the proposed text amendment to the Charter of the City of Bradenton Beach. The amended Charter is done in strikethrough/underscore format. All language shown as strikethrough is language of the existing City of Bradenton Beach Charter, which will be deleted from the current Charter if the amendment is approved. All language shown as underscored is language that will be added to the Charter if Amendment is approved. The proposed referenda and text amendment to the Charter, shall be mailed to each member of the City of Bradenton Beach electorate in a timely fashion prior to the November 2, 2021 General Election.

Section 5. The Amendment to the Charter of the City of Bradenton Beach, Florida as proposed by this Ordinance (Exhibit “A”) shall become effective retroactively to August 27, 2018 if the Amendment to the Charter is approved by a "yes" vote of a majority of those duly qualified electors voting on the referendum question posed at the November 2, 2021 General Election, and shall be incorporated into and become a part of the City of Bradenton Beach Charter (City of Bradenton Beach Ordinances 96-297, 00-331, 10-418, 15-456, 16-468, 16-471, 17-493, 18-502, 19-507, 20-518, (the City Charter and amendments thereto) as the result of approval of the Amendment by the electorate. If a majority of those voting shall not vote "yes" to the Amendment proposed in Exhibit

“A”, such proposed Amendment to the Charter shall not be adopted and said proposed Amendment to the Charter and its provisions as proposed in this Ordinance, shall be of no force or effect. The results of the non-binding referenda shall be used as guidance from the community and shall have no legal force or effect.

Section 6. The proposed non-binding referenda (Resolution 21-944) and proposed amendment to the Charter of the City of Bradenton Beach, Florida (Exhibit A) shall be presented to the qualified City of Bradenton Beach electorate by placing the question of whether to adopt same on the Ballot at a referendum election to be held at the General Election to be conducted on November 2, 2021.

Section 7. The questions on the ballot for the proposed Charter amendment shall be substantially in the following form:

SEE EXHIBIT A – ATTACHED HERETO

Section 8. The City Commission, of the City of Bradenton Beach, Florida is hereby authorized to adopt all Resolutions and staff is authorized to coordinate with the Supervisor of Elections to take all actions necessary in order to ensure that the proposed non-binding referenda and Amendment to the Charter are properly placed on the Referendum Ballot to be held at the General Election on November 2, 2021. This Referendum shall be conducted according to the requirements of law governing Referendum Elections in the State of Florida for City Charter Amendments.

Section 9. SEVERABILITY. If any section, paragraph, provision or term of this Ordinance, or any portion thereof, including Exhibits “A” and “B” (attached hereto), shall be determined by a Court of competent jurisdiction to be invalid, such decision shall not otherwise affect the validity of the remaining portions of this

Ordinance, including Exhibits "A" and "B" (attached hereto), that were not declared to be invalid.

Section 10. EFFECTIVE DATE. This Ordinance shall become retroactively effective to August 27, 2018, the adoption date of Ordinance 18-502, as provided by law, but shall be of no further force or effect if the proposed Charter Amendment (Exhibit A attached hereto) is not approved by the electorate at the November 2, 2021 Referendum Election.

PASSED AND DULY ADOPTED, with a quorum present and voting, this _____ day of _____, 2021.

First Reading: _____, 2021

Second Reading: _____, 2021

CITY OF BRADENTON BEACH, FLORIDA, BY AND THROUGH THE CITY
COMMISSION OF THE CITY OF BRADENTON BEACH

By: _____
John Chappie, Mayor

ATTEST: Terri Sanclemente, City Clerk

By: _____
Clerk/Deputy Clerk

EXHIBIT A

Exhibit to Proposed Ordinance 21-534

**- BALLOT 1 -
AMENDMENT 1 TO CITY OF BRADENTON BEACH CHARTER**

Title

ELIMINATION OF TERM LIMITS, BUT KEEPING TWO YEAR TERMS

Summary

The current City Charter provides that no person may hold the same elected office for more than three consecutive terms or portions thereof, with each term lasting two years. Should the City amend its Charter removing term limits, while maintaining the requirement that each term shall last for two years?

Yes, For Approval _____

No, For Rejection _____

- NON-BINDING REFERENDA-

The Title and Summary for the non-binding referenda concerning City Properties shall be provided for in Resolution 21-944.

EXHIBIT B

Exhibit to Proposed Ordinance 21-534

- BALLOT 1-

AMENDMENT 1 TO CITY OF BRADENTON BEACH CHARTER

Title

ELIMINATION OF TERM LIMITS, BUT KEEPING TWO YEAR TERMS

Summary

The current City Charter provides that no person may hold the same elected office for more than three consecutive terms or portions thereof, with each term lasting two years. Should the City amend its Charter removing term limits, while maintaining the requirement that each term shall last for two years?

Yes, For Approval _____

No, For Rejection _____

-CHARTER AMENDMENT 1-

Article III. ELECTIONS.

Section 1. General

...

C. Terms of Office. The Mayor and the two (2) Ward Commissioners elected in odd numbered years shall continue to be elected in the odd numbered years and the two (2) Ward Commissioners elected in the even numbered years shall continue to be elected in the even numbered years. ~~No person may hold the same elected office for more than three (3) consecutive terms or portions thereof.~~

...

Section 2. Qualifications of candidates for elective office.

Candidates for elective office shall be registered voters and permanently residing in the City of Bradenton Beach for the previous 12 calendar months immediately prior to the date of qualifying. ~~No person may hold the same elected office for more than three (3) consecutive terms or portions thereof. ...~~

City of BRADENTON BEACH

State of Florida

107 Gulf Drive North – Bradenton Beach, Florida 34217 – Phone (941) 778-1005 / FAX: 778-7585

COMMISSION MEETING AGENDA REQUEST FORM

Date request submitted: 05/26/21

For meeting date: 06/03/21

(All agenda requests and associated backup must be submitted at the latest 8 Days in advance by 2:00 P.M. before the next scheduled Commission meeting.) Please have 9 copies stapled and hole-punched and attached to your agenda request.

Agenda Verbiage: Second reading Ordinance 21-535

Does your request require action (a motion) by Commission? – Yes

If “Yes”, please describe exactly how you want the motion to read.

I MOVE TO (Approve, Approve with Changes, Deny) the second reading of Ordinance 21-535.

Is there back-up? Yes

Does this item require legal review? Yes, Completed by Self.

Note: Back-up is required for all agenda requests. If appropriate backup is not included, the issue may be pulled from the agenda.

Signature: _____



ORDINANCE NO. 21-535

AN ORDINANCE DECLARING, ESTABLISHING, AND IMPOSING AN ADDITIONAL NINETY DAY TEMPORARY MORATORIUM ON THE ISSUANCE OF ANY AUTHORIZATIONS, PERMITS OR FRANCHISES PERTAINING TO MICROMOBILITY HUBS, THE USE OF, OR THE OFFERING FOR HIRE, MICROMOBILITY DEVICES INCLUDING, BUT NOT LIMITED TO, MOTORIZED SCOOTERS, AND SCOOT COUPES, WITHIN THE INCORPORATED AREA OF THE CITY OF BRADENTON BEACH IN ORDER TO ALLOW AN OPPORTUNITY FOR THE CITY TO DEVELOP REGULATIONS FOR SUCH USES IN THE CITY; PROVIDING FOR RETROACTIVE APPLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, AS FOLLOWS:

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, the Florida Legislature recently enacted House Bill 453, related to motorized scooters and micromobility devices, which amended Chapter 316, State Uniform Traffic Control; and

WHEREAS, Florida Statute 316.003(38) defines a "micromobility device" as "[a]ny motorized transportation made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground;" and

WHEREAS, Florida Statute 316.003(45) defines a "motorized scooter" as "[a]ny vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground;" and

WHEREAS, Florida Statute 316.2128(1) grants micromobility devices and motorized scooters "all of the rights and duties applicable to the rider of a bicycle," including the right to operate motorized scooters on sidewalks, streets, and trails; and

WHEREAS, Florida Statute 316.2128(1) allows local governments to adopt ordinances governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; and

WHEREAS, the City is aware of other cities which have experienced negative impacts to the safety and/or welfare of the public by the unregulated use of personal transportation vehicles, such as micromobility devices, including, but not limited to users unfamiliar with the area, as well as how to operate micromobility devices, increasing safety risks for themselves and others and shared use programs result in micromobility devices being left unattended and parked or leaned on walls or sidewalks, thereby creating a hazard and impediment to accessibility for pedestrians and persons with mobility challenges; and

WHEREAS, the City wants to explore and encourage alternative means of transportation within the City to reduce automobile traffic and alleviate parking issues; and

WHEREAS, the City desires to analyze the situations which have occurred in other cities and evaluate and make recommendations for regulations which will encourage the sharing of micromobility devices and/or other personal transportation vehicles in the public right-of-way in a manner which will better promote the safety and general welfare of the City, its residents, and visitors; and

WHEREAS, the City Commission finds and declares a need to temporarily prohibit the offering for hire of motorized scooters and micromobility devices within the City, in order to allow for the development of regulations for such uses; and

WHEREAS City staff has met on multiple occasions and drafted a preliminary set of regulations amending the Land Development Code of the City of Bradenton Beach and, prior to adoption of said regulation, it must be reviewed by the Land Planning Agency for the City; and

WHEREAS, the City Commission has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the public health, safety and welfare,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, AS FOLLOWS:

Section 1. Findings of Fact. The WHEREAS clauses set forth above are adopted herein as findings of fact.

Section 2. Extended. That the temporary moratorium, imposed by City Ordinance Nos. 20-524 and 20-526, providing for a suspension on the issuance of on the issuance of any authorizations, permits or franchises pertaining to micro mobility hubs, storage, the use of, or the offering for hire, micromobility devices including, but not limited to,

motorized scooters, and scoot coupes, within the incorporated area of the City of Bradenton Beach, is hereby extended.

Section 3. Moratorium. A temporary moratorium of 90 days is hereby imposed on the storage, use and offering for hire of motorized scooters or micromobility devices within the corporate limits of the City of Bradenton Beach.

Section 4. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of the Ordinance.

Section 5. Repeal. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

Section 6. Scrivener's Error. Staff shall be vested with the authority to correct any scrivener's errors and to renumber this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption. This Ordinance shall be effective retroactive to September 1, 2020. The temporary moratorium shall terminate 180 days from the date adopted by the City Commission, unless the City Commission rescinds or extends the moratorium by subsequent ordinance. This moratorium has been established for the minimum time period anticipated by the City to complete an analysis for the development of regulations of motorized scooters and micromobility devices.

PASSED AND DULY ADOPTED with a quorum present and voting this _____ day of _____, 2021.

CITY OF BRADENTON BEACH, FLORIDA, BY AND THROUGH THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH.

BY: _____
JOHN CHAPPIE, MAYOR

ATTEST: _____
TERRI SANCLEMENTE, CITY CLERK